business and the time of the hon'ble members who would be members of this Committee can best be utilised for more valuable business. For a well-drafted Bill, whose principles have been accepted by the House and which were very beautifully advocated by the Hon'ble Secretary to Government, I think, for such a measure, the reference to a Select Committee seems to be an absolute luxury. I, therefore, oppose the reference of this Bill to a Select Committee. I request the Government to see whether they cannot find it possible to pass the Bill as it is, without any modifications whatsoever.

Mr. President: I do not think we need have a discussion on this point.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* I have to suggest another name also to the Select Committee.

Mr. President: There are already seven members suggested, and I am afraid it is not wise to change the scheme of selection. Members from all parties have been included in the committee.

With regard to the points raised by Mr. Bhaskara Menon, if Government are allowed to take the measure into consideration at once, the President will have to suspend the Standing Orders and give permission. But in view of the general desire expressed in the House, I do not propose to suspend the Standing Order and permit Government to move the motion.

The motion that the Bill be referred to Select Committee put and carried

Mr. President: The Secretary to Government will be the Chairman of the committee and the committee will report within two months.

The Cochin Kuries Bill

***Mr. C. R. Iyyunni** *(Trichur-South):* Sir, I move that *in clause 14, sub-clause (2) between the words "deposit" and "with the Registrar" the words "in approved banks as may be prescribed or" may be added.*

ഇന്നലെ ഈ സഭയിൽ മറൊരു ഭേഗതിക്കൂടി ഞാൻ അവതരിപ്പി ച്ചിരുന്നതു് പിരിയുന്ന സംഖ്യ അപ്രൂവ്ഡ് സെക്യൂറിട്ടീസിൽ കൊടുത്താൽ മതിയെന്നാണു്. എന്നാൽ സഭ അതു് അംഗീകരിക്കുകയുണ്ടായില്ല. ആ സംഖ്യ ട്രഷറിയിൽ തന്നെ ഡിപ്പോസിറ്റ ചെയ്യണോ, അതല്ല, ഗവമ്മെണ്ടിൽ നിന്നും അംഗീകരിക്കുന്നതായ ഏതെങ്കിലും ബാങ്കുകളിൽ ഡിപ്പോസിറ്റ ചെയ്താൽ മതിയോ എന്നുള്ളതാണു് ഈ സഭയുടെ മുമ്പാകെ ആലോചന

*Speech not corrected by the hon'ble member.

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യിൽ ഇരിക്കുന്നതായ വിഷയം. ഏതായാലും പണം പണമായിത്തന്നെ ഇരിക്ക ണമെന്നുള്ളതു് സഭ സമ്മതിച്ചുകഴിഞ്ഞു. പഴയ റഗുലേഷൻ അനുസരിച്ചുതന്നെ ഗവമ്മെണ്ടു് ചില ബാങ്കുകളെ അപ്രൂവ് ചെയ്തുകയുണ്ടായിട്ടുണ്ടു്. ആ നിലയി ലുള്ള ബാങ്കിലൊ, ഗവമ്മെണ്ടു് അംഗീകരിക്കുന്ന മറേറതെങ്കിലും ബാങ്കുകളിലൊ ആ പണം ഇടുവാൻ അനുവദിക്കണമെന്നേ ഞാൻ പറയുന്നുള്ളു. എന്നുതന്നെ യല്ല ട്രഷറിയിൽ ഡിപ്പോസിറ്റുചെയ്താൽ ആ സംഖ്യ മിക്കവാറും നിഷ്പ്രയോ ജനമായി കിടക്കുകയേയുള്ളു. കുറി കിട്ടിയ ആൾക്കു് ആവശ്യപ്പെടുന്ന സമയത്തു് പണം കിട്ടണമെന്നു മാത്രമേയുള്ളു. ഇങ്ങനെ ചെയ്യുന്നതായാൽ നാട്ടിലുള്ള ബാ ങ്കുകൾക്കു് അതൊരനുഗ്രഹമായിരിക്കും. അവക്കു ഒരു പേരും പ്രശസ്തിയുമാക്കും. ഇതുകൊണ്ടു് യാതൊരു വൈഷമ്യവും വരുവാനില്ല. ഇങ്ങനെയുള്ള ബാങ്കുകളിൽ നിക്ഷേപിക്കുന്നതായാൽ അതു കൂടുതൽ പൊതുജനങ്ങൾക്കു് ആ ബാങ്കുമായി ഇടപാടു ചെയ്യുന്നതിനു സഹായമായിരിക്കും. ട്രഷറിയിലെ പണസംബന്ധമായ കാര്യങ്ങൾ ഏല്പിച്ചിരിക്കുന്നതു് സെൻട്രൽ ബാങ്കിനെയാണു്. അതു് ഒരു വലിയ ബാങ്കായതുകൊണ്ടു് അവിടെ സാധാരണ ജനങ്ങളുമായിട്ടുള്ള ഇടപാടു് വളരെ കുറ ഞ്ഞിരിക്കും. ഇമ്പീരിയൽ ബാങ്കു്, ഇൻഡ്യൻ ബാങ്കു്, സെൻട്രൽ ബാങ്കു് എന്നീ ബാങ്കുകളുമായിട്ടുള്ള ഇടപാടു് സാധാരണ ജനങ്ങൾക്കു് സാദ്ധ്യമല്ല. വള രെ ചുരുക്കം ആളുകൾക്കേ അവയുമായി പണമിടപാടു ചെയ്യാൻ സാധിക്കുക യുള്ളു. നേരെ മറിച്ചു ലോക്കൽ ബാങ്കുകൾ അങ്ങിനെയല്ല. ഈ ലോക്കൽ ബാങ്കുകളിൽ ഗവമ്മെണ്ടിനു ഉറപ്പുള്ള ബാങ്കുകളെ മാത്രം അപ്രൂവ് ചെയ്താൽ മതി. ഈ ബാങ്കുകളിൽ മാത്രം സംഖ്യയിടാൻ അനുവദിച്ചാൽ മതി. ഇങ്ങിനെ ചെയ്യു ന്നതായാൽ പണം പണത്തിന്റെ നിലയിൽ കിടക്കുകയും ചെയ്യും. ഇവിടെയു ള്ള ബാങ്കുകൾക്കു് ഒരാനുകൂല്യംകൂടി ചെയ്യുകയുമായിരിക്കും എന്നുകൂടി എനിക്കു ഈ സഭയെ ഉണർത്തിക്കുവാനുണ്ടു്. അതുകൊണ്ടു് ഗവമ്മെണ്ടു ദയവായി ഈ കാ ര്യം ആലോചിച്ചു അപ്രൂവ്ഡ് ബാങ്കിൽ ഈ സംഖ്യയിടുന്നതിനു അനുവദിക്കുമെ ന്നാണു് ഞാൻ വിചാരിക്കുന്നതു്.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* Sri, I second the amendment.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I presume that this amendment is proposed to be introduced into the new amended section. If that is the intention, I will request the Hon'ble Member for Trichur to slightly modify the amendment to this effect.

Mr. President: It is not necessary to make the amendment now. Government accept the position that deposits should be allowed not merely with the treasury but also with approved banks, and the Advocate-General will table amendments in the proper place before the third reading.

Mr. C. R. Iyyunni *(Trichur-South):* Sir, I am exceedingly thankful for the concession granted by Government and to the House also for allowing it.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Sir, before putting the clause to vote, I want to point out that another amend-ment will have to be made to a previous sub-clause, which as already

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amended reads as follows.— "In computing such present worth, the prized subscriber shall be given rebate of interest on the future subscriptions from the respective due dates till the termination of the kuri at such rate as may be prescribed in the case of Banking Companies exempted under section 66 and at 1½ per cent per annum in other cases." If this clause is allowed to remain as it is, the subscriber will get rebate of interest only at the rate of 1½ per cent even if the deposit is made in approved banks.

Mr. President: The Advocate-General will make all consequential changes. You must retain the provisions relating to the Registrar, and those regarding deposit in the treasuries also may remain. Only option should be given to the foremen to deposit in approved banks, and these will be approved by Government by a notification under this section. The rate of interest under this section will be as given by the approved banks.

Mr. M. Sivarama Menon *(Advocate-General):* That will be done.

Amendment accepted by Government.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move: "*In sub-clause (4) of clause 14 for the words "as aforesaid" substitute the words "in the manner specified in sub-section (2)"*. This is only a verbal alteration.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that *in sub-clause (6) of clause 14 the word "the" be substituted for the word "an" occurring between the words "of" and "unpaid"*. This is only a correction of a misprint.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move the following amendment.—*In sub-clause (7) of clause 14 for the word "same" occurring between the words "and the" and "shall" substitute the words "fact of such payment or deposit"*. This is only a verbal alteration.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Amendment put and carried

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*Mr. P. Govinda Menon *(Mulakunnathukavu):* Sir, before putting that clause to vote, I wish to point out what I consider to be an anomaly in that clause. Sub-clause (4) of clause 14 says that the foreman shall be bound to deposit 50 per cent of the prize amount or money value thereof within a prescribed period even though the collections of that instalment fall short of this amount. Sub-clause (8) says that if that is not done, the managing director or the starter may be fined for each day of default to the extent of Rs. 500. The result will be as follows. There will be certain *bonafide* cases where the starter, out of sheer inability to pay, will not be able to comply with sub-clauses (3) and (4), and in such cases we drag him to the position that he will have to pay a fine. I think the intention of the Council is to see that where the starter, is not able to collect 50 per cent of the amount on certain instalments, the kuri should not continue, and I think that it is not equitable or just to punish a man where he fails to discharge his financial obligations. He should be prosecuted or fined only if he conducts the kuri after making default to pay the amount in the treasury or in the bank. It may be a case of sheer inability. He may not be able to collect the amount. Clause 31 does not say that the kuri terminates on account of the failure of the starter to pay the amount. Consistent with the provisions in the several other clauses also, the provision in this case ought to be that without depositing 50 per cent, if he conducts the drawing, he will be prosecuted and fined.

Mr. M. Sivarama Menon *(Advocate-General):* The wording in sub-clause (8) is "knowingly and wilfully commits default."

Mr. P. Govinda Menon *(Mulakunnathukavu):* That is not what I mean. Whether he collects the subscriptions or not, he has to pay 50 per cent. Take the case of a starter who has no money. Clause 31 does not say that the kuri terminates on account of the failure of the foreman to comply with the provisions of sub-sections (3) and (4). The starter is not given the right to go to a court for winding up the kuri. In such a case, it is evident that the starter is insolvent, and he is not able to conduct the kuri further. So my submission is, there should be an appropriate provision under clause 31 which says that failure to comply with sub-sections (3) and (4) will be deemed to be a case of termination of the kuri. If he conducts the kuri further, he should be fined. Otherwise, it will lead to an anomaly whereby a person is prosecuted in a court of law for doing a thing which he is unable to do. The object of the

*Speech not corrected by the hon'ble member.

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Legislature is only to see that, in cases where the starter is unable to pay 50 per cent, he should not conduct the kuri further.

Mr. M. Sivarama Menon *(Advocate-General):* Under sub-clause (8), *bonafide* starters who are unable to deposit the amount will not be prosecuted. There must be a default which he has committed knowingly and wilfully. In the Companies Act also there is a similar provision, and these words are borrowed from that Act. If he is simply unable to find the money, it will not be wilful. A person must be able to do a thing and then default. It is only then that he will be liable to fine.

Mr. President: That means the prosecution must prove that the man was in a position to pay money and has not done it.

Mr. M. Sivarama Menon *(Advocate-General):* The intention of Government is that it is only when the default is intentional and wilful that he will be punishable. The word "wilful" has got its own meaning. There must be capacity for him to pay and then fail to pay. If the present wording does not satisfy the requirements, we shall see what can be done.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Suppose he has got property in his name. Should he sell it or mortgage it to deposit the 50 per cent? Evidently that is not the idea. The intention of Government is that a person should not be allowed to conduct a kuri, if he defaults. If he makes a drawing thereafter, he should be fined.

Mr. President: I think that is a point to be noted and suitable amendments may be made at the time of the third reading. You can also give the draft of an amendment and discuss the matter with the Advocate-General. I also agree with Mr. Govinda Menon that it is an anomaly. As a matter of fact, even assuming that the interpretation of the word "wilful" given by the Advocate-General is correct, I do not think it will be of any practical value in the application of the section, because to prove that a man was not in a position to pay Rs. 5,000 is an extremely difficult matter. The man may have Rs. 5 lakhs worth of properties, but he may not be in a position to find Rs. 5,000 in cash. Is he expected to sell the property for this purpose?

Mr. M. Sivarama Menon *(Advocate-General):* It is only with respect to the collections.

Mr. President: So far as collections are concerned, you can make the penalty as severe as possible, because it is the money he actually collects. But suppose only 30 per cent of the amount is collected, he is under an obligation to pay from his own funds

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the other 20 per cent. How are you going to prove that he had the money? That is an important point. That question should be examined.

Subject to this amendment to be moved at the third reading, this clause can now be passed.

Clause 14, as amended, put and carried

Clauses 15 to 17

Clauses 15, 16 and 17 put and carried

Clause 18

Mr. C. R. Iyyunni *(Trichur-South):* Sir, I move that *in clause 18, sub-clause (1) between the words "Balance Sheet" and "containing" the words "as may be prescribed" may be added.*

Mr. A. L. Antony *(Irinjalakkuda):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* This amendment may be accepted, after substituting the words "in the manner prescribed".

Amendment accepted

*Mr. C. R. Iyyunni** *(Trichur-South):* Sir, I move the following amendment.—*In clause 18, sub-clause (1) delete the words "Such Balance sheet shall be placed before a meeting of the non-prized and unpaid prized subscribers convened at some date not later than nine months from the date up to which the balance sheet is made up. A notification with an interval of not less than two days in the Cochin Government Gazette intimating the date of such meeting shall be deemed sufficient notice to the subscribers of such meeting".*

Now, this clause does not state in so many words what exactly is the nature of the business that is to be transacted. It simply says that a meeting may be fixed, and the balance sheet may be sent to the subscribers on payment of money, and what they are to do at the meeting is not mentioned. There is no objection in calling for a meeting, but the real difficulty is nobody knows what is to be done there. I do not know whether it will serve any useful purpose. There is no objection for the balance sheet being got ready and sent to the various members.

Mr. P. Govinda Menon *(Mulakunnathukavu):* At the meeting the subscribers can discuss about the balance sheet.

Mr. C. R. Iyyunni *(Trichur-South):* There is absolutely nothing to be discussed.

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*Speech not corrected by the hon'ble member.

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Mr. President : They may pass their observations about the balance sheet or some particular point might be elicited by that collective meeting, which may enable any particular subscriber to take action.

Mr. C. R. Iyyunni *(Trichur-South):* There are other provisions which entitle an unprized subscriber to examine the security bonds, etc. Apparently no purpose is served by this meeting. If it is clear to the House that some purpose will be served, then certainly we have no objection to retain the provision.

Mr. President : A collective meeting may bring out so many points which an individual may not be able to bring out. I am speaking from my experience.

Mr. C. R. Iyyunni *(Trichur-South):* I am not pressing the amendment. It is only to bring this matter to the notice of the House that I moved the amendment.

Amendment by leave withdrawn

Clause 18 as amended put and carried

Clause 19

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move the following amendments—*In the first proviso to sub-clause (2) of clause 19 insert the word "defaulter" before the word "non-prized" and in the second proviso for the word "defaulting" substitute the word "defaulter".* These are only verbal amendments.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Amendments put and carried

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I move that *in the second proviso to clause 19, "12" may be deleted and "9" substituted instead.* In the case of a non-prized subscriber there is provision for condonation of the default, and he has to pay 12 per cent per annum. My amendment is to reduce it to 9 per cent. Many of the banks are only taking 9 per cent interest now.

Mr. M. Sivarama Menon *(Advocate-General):* The scheme of the Bill is that with regard to Kuries, in spite of the Agriculturists' Relief Act, the maximum rate of interest at 12 per cent per annum has to be allowed as a sort of an inducement to pay up subscriptions in time. There is no provision in the Act to enable the foreman to compel the subscribers to pay their subscriptions. Hence in the Act it has been fixed that a rate of interest not exceeding 12 per cent may be taken.

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Mr. A. V. Moothedan *(Chalakkudi):* Even now the banks are taking only 9 per cent per annum.

Mr. President: It is only an enabling provision.

Mr. M. Sivarama Menon *(Advocate-General):* On account of this provision, the rate will be reduced, since there will be competition between starters.

Amendment put and lost

Clause 19 as amended put and carried

Clause 20

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that *in sub-clause (1) of clause 20 for the word "defaulting" the word "defaulter" may be substituted.*

This amendment is purely verbal.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 20 as amended put and carried

Clause 21

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I wish to bring to the notice of the House that there is an amendment to clause 21 (1) tabled by Mr. Govinda Menon. After discussion with him I have slightly changed the wording of my present amendment. The spirit is the same. The amendment as redrafted will read thus.—*For sub-clause (1) of clause 21 substitute the following with the existing proviso:—"A defaulter non-prized subscriber shall, on his ticket being drawn, be entitled to recover from the foreman the amount he has subscribed in cash to the kuri or the amount provided for in the vaimpu whichever is higher, on the date specified in the vaimpu for the payment of the prize amount, had his ticket not been defaulted".* I request the House to adopt this slight modification in the original amendment. No dispute can arise, if this wording is adopted.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second the amendment.

*Mr. C. R. Iyyunni** *(Trichur-South):* Sir, with regard to this matter, in the case of a prized subscriber, he is entitled to get the kuri amount minus the *veethapalisa* and commission. Of course, it has been provided for in the Act. Now the *veethapalisa* amount has to be distributed amongst the various subscribers. The

*Speech not corrected by the hon'ble member.

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commission is the only thing that will go to the foreman. Now, according to the present amendment that has been tabled, a defaulter subscriber does not lose, and the prized subscriber will lose. In the case of a prized subscriber, he will be entitled to get only the *veethapalisa*. But there is absolutely no penalty for a defaulter subscriber. At least there must be a deduction, so far as the commission is concerned. Formerly, the commission is determined by the terms of the *vaimpu*, but now it is determined by the Act itself. In the first place, a defaulter subscriber will get the amount immediately after the ticket is drawn. In the case of kuries conducted in Trichur I may say that we generally pay the amount immediately after the ticket is drawn. There may be other *vaimpus* which say that the amount will be given only at the termination of the kuri. With regard to the *veethapalisa*, the foreman has nothing to do. It goes to the various subscribers, and it is only the commission which the foreman is entitled to get.

Mr. P. Govinda Menon *(Mulakunnathukavu)*: Under the present law, the defaulter subscriber gets the actual amount subscribed for by him at the termination of the kuri.

Mr. C. R. Iyyunni *(Trichur-South)*: Certainly not; only with such deductions as are provided for in the *vaimpu*.

Mr. M. Sivarama Menon *(Advocate-General)*: My submission is that the amendment is perfectly in order. In the case of a defaulter subscriber, we only say, let him be paid the actual cash he has subscribed. No further reduction need be made from it.

Mr. P. Govinda Menon *(Mulakunnathukavu)*: Even under the present practice, the foreman has to give the actual cash at the termination of the kuri or according to the directions in the *vaimpu*. The only difference that is sought to be introduced by the present amendment is that it is made obligatory on the part of the foreman to give the actual cash immediately after the ticket of the defaulter subscriber is drawn. It is only an acceleration of the time when he gets the amount. There is absolutely no justification to make any reduction in the amount that he has actually given. It was on account of sheer inability to pay that he has defaulted.

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: സർ, ഒരു തെറ്റിദ്ധാരണ ഈ കാര്യത്തിൽ വന്നിട്ടുണ്ട്. ഫോർമാനു് ഇതിൽനിന്നു എന്തെങ്കിലും കിട്ടുമെങ്കിൽ ഈ പറയുന്നതു ശരിയാണു്. വീതപ്പലിശ വെക്കുന്നതു് എല്ലാ വരിക്കാക്കുംകൂടി വീതിക്കാനുള്ളതാണു്. ഇതിലൊന്നും ഫോർമാനു കിട്ടുകയില്ല; ഫോർമാനു കിട്ടുന്നതു് കമ്മീഷൻ

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മാത്രമാണ്. ഫോർമാനു് ഇതിൽനിന്നു് എന്തെങ്കിലും കിട്ടുമെന്ന ഒരു ധാരണയുണ്ടു്. വീതപ്പലിശയിൽ നിന്നു് ഒരു പൈപോലും ഫോർമാനു കിട്ടുകയില്ല.

മിസ്റ്റർ പ്രസിഡണ്ടു്: പണം മുഴുവൻ കൊടുത്താൽ ഫോർമാനു് ഒരു നഷ്ടവുമില്ലല്ലോ.

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: ഫോർമാനു് വീതപ്പലിശ കിട്ടുന്നുണ്ടെങ്കിൽ അതു് സബ്സ്ക്രൈബരുടെ നിലക്കാണു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: വീഴ്ച വരുത്തിയ നറുക്കിന്റെ വീതപ്പലിശ ആക്കാണു് കിട്ടുന്നതു്?

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: അതു് എല്ലാവക്കുംകൂടിയാണു് പോകുന്നതു്.

മിസ്റ്റർ കെ. കൊച്ചുകുഞ്ഞൻ കയ്യം: 80 രൂപക്കു നൂറു രൂപയാണു് വെക്കുന്നതു്. ബാക്കി 20 രൂപാ കമ്മീഷനും വീതപ്പലിശയുമാണു്. Actual ആയിട്ടു വെക്കുന്നതു നൂറു രൂപയാണു്. അതു് കമ്മീഷനും വീതപ്പലിശയും കഴിച്ചുള്ളതാണു്.

മിസ്റ്റർ എ. ഈച്ചരമേനോൻ: വീഴ്ച വരുത്തിയാലും വീതപ്പലിശ കഴിച്ചു ബാക്കിയുള്ളതല്ലെ കൊടുക്കുന്നുള്ളു?

മിസ്റ്റർ കെ. കൊച്ചുകുഞ്ഞൻ കയ്യം: അതുകൊണ്ടു് എങ്ങിനെയാണു് ഒരു നഷ്ടം വരുന്നതു്?

മിസ്റ്റർ പുത്തൂർ അച്യുതമേനോൻ: വാസ്തവത്തിൽ കുറിക്കാരുടെ രക്ഷക്കുവേണ്ടി കൊണ്ടുവന്നിട്ടുള്ള ഒരമൻറുമെൻറാണിതു്. ഇതിനു മുമ്പുണ്ടായിരുന്ന നിയമത്തിൽ, കുറിയുടെ വസ്തുവിൽ എന്തു നിശ്ചയമുണ്ടായിരുന്നുവോ അതനുസരിച്ചുള്ള സംഖ്യ കിട്ടാൻ അവകാശമുണ്ടായിരുന്നു. ഇപ്പോൾ ഈ അമൻറുമെൻറു സ്വീകരിക്കാതെ മിസ്റ്റർ ഇയ്യുണ്ണി പറഞ്ഞപോലെ ചെയ്യുന്നതായാൽ മുമ്പുണ്ടായിരുന്ന ഗുണവുംകൂടി പോകുകയാണു് ചെയ്യുന്നതു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: വസ്തുവിൽ അതു കുറവു വെക്കുകയാണെങ്കിൽ അതല്ലെ കിട്ടുകയുള്ളു?

മിസ്റ്റർ പുത്തൂർ അച്യുതമേനോൻ: "Whichever is higher" എന്നാണു് ഭേദഗതി.

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: ക്യാഷു് എന്നു പറയുന്നതു് വീതപ്പലിശ കഴിച്ചിട്ടുള്ളതു് എന്നു പറഞ്ഞാൽ മതി. അല്ലെങ്കിൽ തക്കുമുണ്ടാകും. വീതപ്പലിശ അതിൽ ഉൾപ്പെടുത്താൻ പാടില്ല.

മിസ്റ്റർ പുത്തൂർ അച്യുതമേനോൻ: നിലവിലുള്ള രക്ഷയിൽ കുറവു വരുതെന്നോ പറയുന്നുള്ളു. ചില വസ്തുവിൽ റൊക്കം വെച്ച സംഖ്യ എന്നും ചിലതിൽ കിട്ടാൻ അവകാശപ്പെട്ട സംഖ്യ എന്നും കാണും. ആ അവകാശപ്പെട്ട സംഖ്യ എന്താണെന്നു് കോടതി തീരുമാനിച്ചുകൊള്ളും.

Mr. President: I think the position is now understood by all the hon'ble members perfectly well. We will now put the amendment of the Advocate-General to vote.

Amendment put and carried

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Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move: *"In sub-clause (3) of clause 21 for the words "defaulted non-prized subscriber", the words "defaulter non-prized subscriber" shall be substituted in both the places where they occur and the figures "(i)" and "(ii)" may be deleted.* This is only a verbal amendment.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 21 as amended put and carried

Clause 22

Mr. President: Is there any particular amendment which should get priority under clause 22?

Mr. C. R. Iyyunni *(Trichur-South):* Although my amendment stands first, I think it is better to have the discussion on the Advocate-General's amendment now.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that *after sub-clause (i) of clause 22 (2) the following shall be inserted.—*

> *"(ii) When a defaulted ticket in respect of which no one has been substituted is drawn, the price amount or so much of it less the amount payable to the defaulter subscriber and the amount if any due to the foreman on account of subscriptions paid by him in respect of that ticket shall be deposited by the foreman in the Government Treasury prescribed for the purpose in the manner specified in section 14.*

"Provided that the foreman may draw the amount on his furnishing security for the due payment of future subscriptions in the manner specified in sub-section 2 (i):

"Provided further that Government may, by notification in the Cochin Government Gazette, direct that, in respect of specified local areas, such deposits shall be made with the Registrar notified for the purpose.

> *"(iii) The provisions of clause (ii) of sub-section (2) shall apply to defaulted tickets drawn prior to the commencement of this Act and in respect of which no one has been substituted:*

"Provided that the foremen shall in respect of such tickets deposit or furnish security only to the extent of future subscriptions

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payable in respect of that ticket. Such deposit or security shall be furnished by the foremen within six months from the commencement of this Act or within such further time as Government may deem fit to grant in any particular case."

Under the present Bill as it stands, there is no specific provision calling upon the foreman to furnish security in respect of defaulted tickets the amounts of which have been appropriated by him. There is a ticket called "*cheenthipokku*". Suppose I join a kuri and I subscribe for 6 instalments, and at the 7th instalment I become a defaulter. The foreman has got the right to substitute any other person for me. But if the foreman says that he cannot find a proper person to be substituted in my place, and that, therefore, he himself will pay the future instalments in respect of that ticket, no law can compel him to find out a substitute. In such cases what happens is this. The defaulted ticket is also put in the lot at the time of drawing, and when that ticket is drawn, the prize amount will be taken by the foreman without furnishing any security. The result is that in such cases large sums go into the hands of the foreman without any liability on his part to furnish security. A mischievous foreman may embark upon the scheme with the set purpose of defeating the subscribers and enrich himself. He may take tickets in his children's name, or in his wife's name or in the name of any of his relatives. After one or two instalments, he can manipulate things in such a way as to default payments in respect of those tickets. He can also say that he did not get proper persons to be substituted in the place of the defaulter subscribers. The result of all this will be that, when these tickets are drawn subsequently, the prize amount goes into the hands of the foreman. There is nobody to claim the entire amount. The defaulter prized subscriber can claim only up to the extent that he has subscribed. The balance will be in the hands of the foreman without any security whatsoever. When there are several defaulted tickets of this kind, the consequences are serious. Government want to provide against such subterfuges being practised. When the Bill says that all prized subscribers must, before drawing the amounts, furnish security so far as the future subscriptions are concerned, and when the foreman is also asked to furnish security in respect of the *kainarak* as well as for other tickets subscribed for by him, there is no reason why provision should not be made for furnishing security in respect of this *cheenthipokku* or defaulted ticket also in case the amount is not to be appropriated. There is no provision in the Bill to this effect. Government have tabled these amendments with the sole and express purpose of doing away with that *lacunae* in the law. If we do not do that, the foreman will be able to defeat the provisions of law by not having to furnish

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security for these tickets. Any latitude allowed in this respect will enable foremen who are inclined to act mischievously to appropriate large amounts without security. Therefore, the scope of the amendment is only preventive. But we have given one option, that is, if he does not wish to deposit the amount, and if he wants to appropriate money for himself, then alone need he furnish security. If he wants money, he should furnish security. What harm is there in this position? The difficulty is that these *cheenthipokku* amounts do not come under the category of prize amount as defined in the Bill, because it is only if there is a regular subscriber there can be a prize-winner and a prize-amount. This is only a drawing of a defaulted ticket for which, practically speaking, there is no claimant other than the defaulter prized subscriber, who can claim only to the extent that he has subscribed. Really speaking what happens is the foreman himself becomes the prized subscriber, and gets the benefits out of those tickets. When the default is made by the subscriber, he won't substitute anybody in his books. The book will remain blank with the remarks "നറുക്ക് മുടങ്ങി; പകരം ആളെ കിട്ടീട്ടില്ല". Yet when the drawings are conducted those tickets also will be cast in the lot. Because there is no substitution, there is no prized subscriber. That is found to be a *lacunae* in the Act, and this amendment has been tabled, as I said before, for the purpose of making it impossible on the part of the foreman to appropriate those amounts without furnishing security in respect of future instalments. Moreover, time has also been given to the foreman to furnish security in respect of future instalments. We have given him 6 months' time and such further time as may be extended by Government.

Mr. President : Don't confuse matters. The amendment relates only to drawings conducted hereafter.

Mr. M. Sivarama Menon *(Advocate-General):* Therefore, with regard to the amount that goes into his hands, if he wishes to make use of it he must be compelled to furnish security. Without being an ordinary subscriber, if he is to appropriate prize amounts, should we not find a method to put a check to this. Moreover, in cases where the capital of the kuri is 5 or 6 thousand rupees, the amount that will go into his hands will also be enormous. I, therefore, hope that the House will consider the various implications contained in this amendment and support this amendment.

Mr. President: Let me make the position clear. We are now dealing with tickets drawn after the commencement of this Act.

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* മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: എനിക്കു് ഒരു സംഗതി കുറച്ചു വിശദമാക്കിയാൽ കൊള്ളാമെന്നു മോഹമുണ്ടു്. "when a defaulted ticket in respect of which no one has been substituted is drawn, the prize amount or so much of it less the amount payable to the defaulter subscriber and the amount, if any, due to the foreman on account of subscriptions paid by him in respect of that ticket....." ഇതു് വളരെ വിശദമായിട്ടില്ലെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്. അതായതു്, ഏതെങ്കിലും ഒരു വരിക്കാരൻ കുറിയിൽ ചേർന്നു് ഏതാനും കാലത്തേക്കു സംഖ്യ വെച്ചതിന്റെ ശേഷം പിന്നെ ഏതാനും കാലം കഴിഞ്ഞിട്ടായിരിക്കും അടിക്കുറി എടുക്കുന്നതു്. ആ കാലം വരെയുള്ള സംഖ്യ ഫോർമാന്റെ കയ്യിൽ നിന്നു വെച്ചതായിട്ടു കരുതണം; അതുവരെ കുറി കിട്ടീട്ടുള്ള ആളുകൾക്കു സംഖ്യ കൊടുത്തുപോയിട്ടുണ്ടെങ്കിൽ ആ സംഖ്യ ഫോർമാൻ വച്ചതായിട്ടു കരുതണം. ഇതു കൊണ്ടു് ആ അർത്ഥം മുഴുവനും വിശദമാകുന്നുണ്ടോ എന്നുള്ള കാര്യം സംശയമാണു്.

"The amount if any due to the foreman on account of subscriptions paid by him in respect of that ticket..... ....." എന്നു വന്നാൽ കണക്കുകൊണ്ടു ഒരുപക്ഷെ അതു് അയാൾ വെച്ചതായി കാണുകയില്ല. എത്രത്തോളം സംഖ്യ കൊടുത്തുപോയിട്ടുണ്ടോ അത്രത്തോളം സംഖ്യ ഫോർമാനു കിട്ടുവാൻ അവകാശമുണ്ടു്. അതൊന്നു സ്പഷ്ടമാക്കണമെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്.

ഏതെങ്കിലും ഒരു ടിക്കറ്റ് എന്റെ പേരിലൊ എന്റെ ഭാര്യയുടെ പേരിലൊ എടുത്തു് ചേരുകയെന്നുള്ളതു് മിക്കവാറും ഉണ്ടാകയില്ല. നറുക്കിട്ടെടുക്കുന്ന കുറിയായതുകൊണ്ടു് ഏതു നറുക്കാണു് മുമ്പു കിട്ടുകയെന്നു അറിവുണ്ടാകയില്ല. അങ്ങിനെ കിട്ടുമെന്നുണ്ടെങ്കിൽ ഫ്രഫ്രം നറുക്കും ഫോർമാന്റെ ആൾക്കാരൊ ഫോർമാനൊ ചേർന്നാൽ മതിയല്ലൊ. അതുകൊണ്ടു് മിക്കവാറും അങ്ങനെയുള്ള contingency ഉണ്ടാകയില്ലെന്നു ധരിപ്പിക്കുവാനായിട്ടാണു് ഞാൻ പറയുന്നതു്. നറുക്കിട്ടെടുത്തുവരുന്ന കുറികളിൽ വല്ല കൃത്രിമവും ചെയ്താൽ മാത്രമെ അങ്ങനെ വരുവാൻ തരമുള്ളു. എത്രത്തോളം സംഖ്യ ഡിഫാൾട്ട് ചെയ്തുവൊ അത്രത്തോളം സംഖ്യ ഫോർമാൻ കയ്യിൽനിന്നും കൊടുക്കേണ്ടിവരും. കിട്ടീട്ടുള്ള നറുക്കു് എടുത്തുപോയിട്ടുണ്ടെങ്കിൽ ആ സംഖ്യ അവർക്കു കൊടുക്കുവാൻ അനുവാദമുണ്ടു്.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: അങ്ങിനെ പണം എല്ലാവർക്കും കൊടുത്തുവോ ഇല്ലയോ എന്നു നോക്കിചെയ്യുവാനാണു് "if any" എന്നു പറഞ്ഞിട്ടുള്ളതു്. It is a fact that has to be found out. If you have paid to the prize-winners at the previous instalments, you are entitled to get credit for that. If you have not paid, you cannot get any credit. It is exactly to meet that contingency the words "if any" are put there.

Mr. C. R. Iyyunni *(Trichur-South):* The point is this. He will be deemed to have paid the subscription to the extent that money has been paid to the prized subscribers.

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*Speech not corrected by the hon'ble member.

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Mr. P. Govinda Menon *(Mulakunnathukavu):* If he has actually paid to the prized subscribers, then he has actually paid the subscription. Why should there be a presumption?

Mr. President: The issue is a possible dispute between the foreman and the defaulter subscriber as to whether the foreman advances any money on behalf of a defaulter non-prized subscriber or not. How can you make a provision for that?

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: ഒരു വരിക്കാരൻ കുറിയിൽ ചേർന്ന് ഫ ൦ ത വണ സംഖ്യവെച്ചാൽ ര ൦-താമത്തെ തവണക്കാണ് നറുക്കെടുക്കുന്നത്. അതിനിടക്കുള്ള ന ൦ തവണ കുറി കിട്ടിട്ടുള്ളവക്കും സംഖ്യ കൊടുത്തിട്ടുണ്ട്. ആ ന ൦ ത വണക്കും സബ്സ്ക്രിറ്റ്വൃഷൻ ഇല്ലാത്ത സ്ഥിതിക്കു ഫോർമാന്റെ പേരിലൊ കുറിയിൽ ചേർന്നിട്ടുള്ളവരുടെ പേരിലൊ വരവ് വെച്ചു കാണുകയില്ല. എത്ര സംഖ്യയാണെന്നുള്ളതിനു കൃത്യമായ ഒരു കണക്കുമുണ്ടായിരിക്കയില്ല.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* The question is whether the winners have been paid in full. If they have been paid in full the foreman should have paid from his pocket.

Mr. President: That automatically follows. Mr. Iyyunni, can you suggest any wording to make it clear?

Mr. P. Govinda Menon *(Mulakunnathukavu):* It is quite clear from the definition of the two words "prize amount" and the "kuri amount". "Prize amount" has been defined as "the kuri amount less the discount and includes in the case of fraction of a ticket the difference between the proportionate kuri amount and the discount on the particular fraction of the ticket." Kuri amount is "the sum total of the contributions payable by the subscribers for any instalment without any deduction for discount." So, if at any instalment the prize amount has been paid by the starter, and if there is a subscriber who has not paid his subscription on that date, that means the starter has paid the subscription on account of default. It is very clear from the two definitions.

Mr. President: With regard to the intention of the amendment, of course, that is accepted. As regards the wording, Mr. Govinda Menon and the Advocate-General say your intention has been brought out here. If you want to make any change in the wording as to make the provision clear, you can suggest that.

***Mr. A. L. Antony** *(Irinjalakkuda):* Sir, the amendment shows that the entire amount is to be deposited. Under the scheme of the Act, in the case of a regular prized subscriber only if there is a deficiency, up to 50 per cent should be deposited. Under section 14, the foreman is bound to deposit only 50 per cent of the prize

*Speech not corrected by the hon'ble member.

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amount, even though the collections of that instalment fall short of this amount. But under this amendment the foreman is asked to deposit the entire amount, even though there is this deficiency. Suppose the *sala* is Rs. 5,000. Then, when the *cheenthipokku* is drawn, the foreman will have to deposit the entire amount of Rs. 5,000. Under the amendment the foreman is asked to deposit an amount equivalent to the prize amount, in cases where a defaulted ticket is drawn. It is a known fact, as could be seen from the statistics, that at no instalment will the whole collections be received. It is in view of this that Government have provided that the collections actually made should be deposited within a week, and only in cases where there is a deficiency they have to pay up to 50 per cent. I, therefore, request, that a lenient view may also be taken in this case, because it is a practical impossibility if the foreman is asked to invest the entire amount, though it is not collected.

There is another point to be considered in this connection. The prize amount, if at all to be deposited, is intended for the sake of the future subscribers. That presumes that all the other subscribers are regular subscribers who are entitled to get the entire amounts. Suppose at the 50th instalment a ticket is drawn, and that is a defaulter's. Suppose there is a balance of 61 tickets. We presume, when the foreman is asked to deposit the entire amount and when there are these 61 subscribers yet to get the prizes, who are regular subscribers, even in such a case the foreman need not give the entire amount. He is entitled under the Act only to give security for the amount he has actually drawn. If there is no defaulted subscriber, where is the necessity for the foreman to invest the whole prize amount? Then why should you burden a foreman with the task of depositing the whole amount, when the foreman has no liability for paying anybody hereafter? Of course, we want to safeguard the interests of the regular subscribers. For that purpose we have provided several safeguards. Why should we again burden the foreman with the duty of investing the full amount in respect of the *cheenthipokku narak*? Further, in a kuri there will be subscribers from outside. There will be so many Travancoreans and so many Britishers, and securities that have been taken from them will be properties situated in Travancore or in British India. Under our Act we do not consider those properties to be sufficient securities. When the foreman has advanced amounts on the basis of those securities, where can he get amounts all on a sudden for this purpose? Therefore, I ask, should we not take a lenient view in this matter? I, therefore, request that Government may be pleased to take a lenient view of the matter. I also request the members

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to sympathetically consider this amendment which, in its very nature, is too hard.

*Mr. P. Govinda Menon *(Mulakunnathukavu):* Mr. President, Sir, I think there is an anomaly which will follow, if this amendment is passed. When a ticket is prized at a certain instalment, 3 contingencies may arise. There will be a stranger non-defaulter subscriber whose ticket is won or a starter subscriber whose ticket is won or it may be a defaulter whose ticket is won. In the case of a stranger non-defaulter, the starter need deposit only 50 per cent within 3 months. In cases where the starter himself is the subscriber then also he need pay only 50 per cent. If he wants to draw the prize amount, then only he should furnish security for the future instalments. But in a case where the ticket belongs to a defaulter, and no substitution has been made, the starter is under an obligation to pay the full prize amount *minus* the amount specified in the amendment. That will lead to an anomaly. In specified cases, where no substitution is effected, the starter will have to pay a larger amount. The remedy, according to me, is to say that, in those cases where the defaulter's ticket has been prized and where no substitution has been effected, the amount to be deposited in the Treasury should be limited to 50 per cent of the prize amount or the amount contemplated in the amendment whichever is higher. That is to say, in any case he has to pay 50 per cent of the amount. Why should he be asked to pay a larger amount in the case of a ticket for which no substitution has been effected? He should not be in a worse position than if he were a regular subscriber or if the ticket belonged to himself. Therefore, my suggestion is that the amount which he should deposit in the Treasury or in the bank should be 50 per cent of the prize amount or the amount contemplated by this amendment, whichever is higher. Then there will be no anomaly. By this there will be a consistency in the provisions of the Act also.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* If he does not deposit the amount, he will be made penally liable also. He has to deposit amounts which are not already collected, and which do not come into his hands. If he does not deposit, then, he will be liable to fine. There is this difficulty.

Mr. M. Sivarama Menon *(Advocate-General):* The entire argument is based upon a misconception. Does this Bill say anywhere that the foreman has no liability to pay the entire amount to the prized subscriber? The Bill only says, you remit all the subscriptions

*Speech not corrected by the hon'ble member.

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collected into the Treasury. In cases where the collection falls short of 50 per cent a liability is thrown on the foreman to deposit at least 50 per cent of the prize amount within 3 months of the due date, that is, with a view to protect the interests of the prized subscriber. In spite of this the right of the prized subscriber to get the whole amount on furnishing proper security is there. If you do not pay him the full amount on his furnishing the security, then he can file a suit for recovering the full amount. Therefore, when the law prescribes that you need deposit only the actual collections or at any rate 50 per cent it is without the least prejudice to the rights of the prize-winner to work out his own remedy. This principle will hold good with regard to a defaulted ticket. The only person who can claim partial interest in a defaulted *cheenthipokku* ticket is the original subscriber. But so far as he is concerned, what is he entitled to get? He is entitled to get the cash contributions, which he has actually made. For that provision has been made. Then there is nobody who is interested in the balance amount remaining unpaid. The foreman alone is interested in that ticket and he settles matters with the defaulter subscriber and takes the balance amount for himself. If the foreman has paid any amount on account of the defaulted tickets, let him take credit for that also. This Bill says nowhere that the foreman will be out of court, if he pays 50 per cent. But in the case of a *cheenthipokku* ticket, it is an ownerless ticket in part. It is a ticket which is not owned by anybody in full. Therefore, is there not a justification in such cases to see that the foreman deposits the whole amount? Suppose that ticket had not been defaulted and there was an ordinary subscriber. The foreman will not get this advantage. On account of the fact that one person has defaulted, why should we give the foreman an advantage? The scheme of the Bill is that the foreman should not be allowed to transact business with money collected from the subscribers without proper safeguards. The main principle of the Bill is that monies collected from the subscribers should always be readily available in liquid cash for payment to prize winners. I do not join a kuri for the purpose of getting a mortgage deed. I join a kuri for the purpose of getting hard cash. In this defaulted ticket why should you give an advantage to the foreman? As a matter of fact, there is nobody to claim the entire amount due under that ticket? The appropriation of that amount takes with it the liability to subscribe for the future instalments. We are asking the foreman to furnish security only in the event of the amount being utilised by him. Therefore, it is a legitimate provision to say that he must either deposit the amount or furnish security for its use. I, therefore, submit that this amendment is perfectly in order.

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Mr. President: The discussions we have had for the last 2 days, I think, would have enabled hon'ble members to understand what exactly the complications and dangers that lurk in this institution. I think a great deal of the arguments advanced on behalf of the foreman is really due to a misconception of the legal and moral responsibility of the foreman when he starts a kuri. Many of the arguments advanced on behalf of the foreman are based on the assumption that the foreman is responsible only for the money that he actually collects from the subscribers, and if half a dozen subscribers default, what is the use of worrying this poor man by asking him to pay the whole money. That is a wrong view of things. When a foreman starts a kuri, he assumes a responsibility towards all the subscribers to pay them, when the prize amount is drawn or at the end of the kuri, the amount to which they are entitled. Unless there is that legal and moral responsibility on the part of the foreman, he becomes a mere collaborating agent, an agent of the subscribers. And when half a dozen subscribers do not pay the instalments, he will tell others, "your creditors have not paid; I have no amount and I have nothing to do". Let us take the analogy of a bank. Now, when you go and deposit money in the bank in current deposit or fixed deposit, the banker undertakes a legal and moral obligation to pay your deposit in time, whether his own debtors pay him in time or not. Suppose you have a lakh of rupees in a bank payable 12 months afterwards. You come and ask for the money and the banker says, "I have not swallowed the money; I have advanced money to so many people; they have not returned; what am I to do?" I think that the failure to appreciate this legal and moral obligation of the foreman is responsible for a great many of the amendments and for the sympathy which a certain section shows to the foreman. Now take this particular amendment. It is fundamentally different from the two cases to which Mr. Govinda Menon drew the attention of this House. What is the main obligation that the foreman has assumed? That he will pay up the full prize amount to the subscriber when his ticket is drawn, notwithstanding the fact whether the subscribers have paid or not. In the case of a ticket for which any prize has been drawn during the pendency of the kuri, the subscriber will get the full amount, notwithstanding the fact whether the subscribers have paid the money or not. Now, in the case of a defaulter subscriber and in the case of a foreman himself stepping into the shoes of the subscriber, there are persons to take notice of the obligations of the foreman and to move the machinery of the law to enforce the obligation of the foreman so that at the end of the kuri the money may be there. But in the case of what is called

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cheenthipokku for which nobody seems to be responsible, what do you see? Even in these cases the foreman must lodge only the actual collections or only 50 per cent, and that is just to pay the future subscriptions. Now, at the end of the kuri where is the amount of the kuri to be paid to the unfortunate fellows who have to wait till the end of the kuri? Suppose at that time the foreman is insolvent. Should the subscriber who had to wait for 36 to 48 months to receive the money be jeopardised in the matter of his payment? Certainly not. Therefore, where a situation arises in which there is no one who is in a position to enforce the obligation against a foreman in a court of law, you must impose upon the foreman the obligation to lodge the full amount so that, when the time comes for the payment to the subscriber, that amount might be forthcoming, and that is exactly what is sought for in this amendment moved by the Advocate-General. If you don't want to impose this very simple and elementary obligation on the foreman, why, I ask you, allow the foreman to start the kuries at all? Therefore, I would ask the hon'ble members to realise this fundamental fact that, when a foreman starts a kuri, he assumes the obligation for the safe custody of the actual collections, for the furnishing of the security and for the disbursement of not merely the amount that is actually collected, but of the total amount involved in the kuri. I hope the hon'ble members will realise this point, and if only you keep that fact in mind, the Advocate-General's amendment will be appreciated.

Mr. M. L. Joseph *(Latin Christians-Cranganur):* Sir, with regard to the point suggested by the hon'ble President, I would like to point out another aspect of the question. Now, take a concrete case. Suppose there is a kuri of 10 tickets of Rs. 20 each. One of the tickets is a *cheenthipokku* with the result that when *cheenthipokku* ticket is drawn, the actual collections will be only Rs. 180. The foreman may have to produce Rs. 20. That is what takes place according to this amendment. The foreman should give security for all the Rs. 200. That means Rs. 180 plus another Rs. 20, which he has to find out from his own pocket. What is the object? The Advocate-General has pointed out that it is to safeguard the guardianless ticket. What is the safeguard that is necessary? It is that each subscriber must be in a position, when he wins a prize, to get the full amount of a ticket. For that, I don't think that the whole of Rs. 200 must be insisted upon by the foreman. On the contrary, suppose the foreman is prepared to invest all the money

*Speech not corrected by the hon'ble member.

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collected in the Treasury. He draws the amount necessary to be paid, over and above the actual collections at an instalment, from the treasury. What is the harm? Why not the foreman be allowed to do this rather than forcing him to give security for an amount which is more than what will be collected in every instalment? What is the harm, if Government simply allow him to deposit every collection in the Treasury and ask him to withdraw afterwards one by one to be distributed among the subscribers?

Now, in this specific case, it may happen that the collection in an instalment comes to only Rs. 180. For every instalment he could draw Rs. 20 and like that in the end when it comes to the last ticket, the amount will be due to him alone for which he need not account to any other subscriber. As such, it would be more advantageous to the foreman, if Government would slightly alter this amendment to enable the foreman to invest all the money in the Treasury, and to make this provision of giving security enforcible only in cases where he wants to draw that amount. So long as he is not going to draw the amount, what is the harm if he does not give security? He will be able to find money for the subscribers from the amount that is already in the Treasury; and only towards the end, money may be lacking, but this money will be due to him alone, and therefore he need not account to anybody. Till then there is money sufficient to discharge the liability of the foreman to the subscribers. Viewing the question from that aspect, I hope Government will make slight alterations in this amendment to the effect that the foreman need give security only in cases where he wants to draw the money. As it is, he has to deposit the whole amount. What I would say is, the whole amount need not be deposited.

Mr. Puthur Achyuta Menon *(Kattur):* This kuri legislation, in the nature of it, I humbly submit to this House, will be futile, if passed without the amendment moved by the Advocate-General. Apart from the reasons given by the Advocate-General, I have to reveal one secret in this House.

Mr. C. R. Iyyunni *(Trichur-South):* What is that?

Mr. Puthur Achyuta Menon *(Kattur):* That is, Mr. Iyyunni was speaking from his own experience that when kuries are drawn, so many subscribers will be present there. But we must understand that we are making a legislation not for Trichur alone, but for the length and breadth of Cochin State. Even according to the provisions of the Act, some people will be defaulters, if they have not contributed for three instalments. But we must consider the question when they are made defaulters? In many cases they are made defaulters after the tickets are drawn. This is known to everybody. At the time when a ticket is drawn, he is not a defaulter.

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After a ticket is drawn, if it is found that the man who has not paid for 3 instalments gets it, in the account books of the foreman the prize winner is made a defaulter and he becomes a defaulter. The sole purpose is to appropriate the whole money for foreman without security. If his ticket is not prized that day, next day the foreman will accept his money. As pointed out by me, as soon as the ticket is drawn, the man who is not made a defaulter previously is made a defaulter with the sole purpose to see that the money may be appropriated by the foreman. If this provision is in the statute book, that will really be a safeguard, because the foreman knows it does not make much difference. If the foreman wants it, he will have to furnish security. We must understand one thing here. There is a clamour from all sides that this legislation is going to be too hard on the foreman. The kuri subscribers are not responsible for it. The Legislature is responsible for the legislation. We can expect the kuri foreman to be a bit hard on the subscribers also. So, in the nature of things, this is an adequate safeguard which should find a place on the statute book. Otherwise, great hardship will be caused to the subscribers. This provision is highly necessary.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Sir, In supporting the amendment moved by the Advocate-General, I have to make a few observations. I shall first argue about the opposition advanced by Mr. A. L. Antony. He is evidently confusing the scope of clause 14 (2), which prescribes that the payment of 50 per cent in the Treasury or in some other bank and the provision dealing with the security in respect of prize amount in cases of defaulted tickets. Now, in the first place, it is to guard against the possibility of losing the amount which is due to a prized subscriber, who for some reason or other is not able to give security at the time, it is to guard against such amounts being utilised by the foreman for his purposes and also to avoid any possible loss, that a safeguard has been provided for in that section. It says that at least 50 per cent should be deposited in Court. So, if there is any deficit on account of the mismanagement of the kuri by the starter himself that the prized subscriber will seek his remedy and try to realise the full amount as against the foreman, while the present clause deals with an entirely different matter which has absolutely no connection with the provision prescribing deposit of 50 per cent. Here it is to safeguard against a possible loss of amount which the foreman may appropriate to himself without being made responsible to a particular prized subscriber when a defaulted ticket is drawn. There is nobody to claim that amount. It is now kept by the foreman. Now over and above the general obligations which the President elucidated for discharging all responsibility for the kuri,

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there is special obligation on the foreman, if he uses that amount for his own purposes. It is to guard against the loss of such amount, when it is sought to be made available for the prized defaulters and other subscribers, that such a provision is necessitated. It is to prevent any misuse of that amount which is to be made available for the defaulters and other subscribers till the termination of the kuri that this present amendment has been brought in. On principle it is perfectly justifiable, but the question will arise with regard to the operation of this clause in respect of tickets which have already been drawn. That is with regard to retrospective operation of the section. Whether it should be extended to tickets already drawn or whether it should extend only to tickets to be drawn after the commencement of this Act, is altogether a different matter. We are not on that at present. Apart from that possible objection on account of various matters regarding the retrospective operation of this section, so far as kuries are concerned, the obligation of the foreman still remains. He should certainly give security for such amounts if he wants to make use of that money. My only doubt is whether these two sections standing by themselves will not reduce the position to a slight anomaly, because in the other section 14, it says that at least 50 per cent should be deposited in the Bank. Suppose the prize amount exceeds the entire 50 per cent as prescribed. The other section says that the whole amount shall be deposited. A confusion may arise whether that section should prevail or this section should prevail. In order to avoid that, "notwithstanding the provision contained in section 14, if the amount exceeds that 50 per cent" may also be added. There must be some saving clause by which this clause should be given effect to as against the other clause. Suppose the amount for which security is to be given exceeds the 50 per cent as prescribed in the other section. There is some anomaly. This section consistent with the intentions should be given effect to.

Mr. President: Clause 14 will have no operation at all for the cases contemplated under section 22.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Yes. I understand that. But still, sometimes, we experience the difficulty. I think there is some anomaly.

Mr. President: I think we can trust lawyers like you. *(Laughter).*

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* In order to give effect to this as against section 14, the matter may be made clear. That is all I wish to say. I may have some objection regarding retrospective operation. I will deal with that when that question comes up.

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Mr. A. V. Moothedan *(Chalakkudi):* Sir, I shall explain the position. In the case of prized tickets 50 per cent of the total amount has to be deposited, but in this case the whole amount has to be deposited. How can they do it? There is some difficulty in the practical working of the Act.

Mr. P. Govinda Menon *(Mulakunnathukavu):* The foreman can very well get over the difficulty by substituting another person. Therefore, as it has already been pointed out by the Advocate-General, the hardship can easily be got over by substituting a person in place of the defaulter.

Mr. President: I pointed out to the Advocate-General this morning that sub-clause (2) of clause 22 regarding penalty requires a reconsideration. Now, in the case of a *kainarak*, the foreman can take the prize amount without furnishing any security. For all the other drawings he is also in the position of an ordinary subscriber. He should not draw the amount without actually furnishing security like any other subscriber. The penalty provided for any contravention of this is that he will have to pay Rs. 500 as fine. I was reminded of an incident supposed to have taken place in one part of England regarding the stopping of trains by pulling the alarm signal. It is written there "penalty for improper use £5." Once a person had a mania to pull the chain. He was a rich man and he took £100 with him and he got into the train. On the way he pulled the chain. The Guard came; he gave £5. Again, after some time, he pulled the chain and when the guard came he gave another £5. Like that he was going till the Railway officials thought that they should prosecute and chuck him out of the train *(laughter)*. Similarly, suppose the prize amount is Rs 5,500. According to sub-section (1), a foreman ought not to draw that amount without furnishing security. But he draws the amount without furnishing security. When the Registrar comes, he pays Rs. 500. You can't do anything more. There is no other consequence. Either he should not conduct the kuri or a higher penalty should be imposed. So, I think the Advocate-General must look into the matter to see that the penalty provisions are so modified as to check a continuance of an offence.

Mr. M. Sivarama Menon *(Advocate-General):* In the rules that have been framed, we are embodying all these things.

Mr. President: It must find a place in the statute.

Mr. M. Sivarama Menon *(Advocate-General):* With regard to that I am moving an amendment.

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Mr. President: In this case we have to impose higher penalty for continuing offences. That has to be looked into at the third reading.

***Mr. P. Govinda Menon** *(Mulakunnathukavu):* There is another thing. The amendment now passed does not really relate to the subject-matter of clause 22. For example, the present sub-clause (2) of clause 22 deals with the obligation of the foreman to furnish security for the future subscriptions, though he is himself the prize-winner and if he draws the amount without furnishing security, he is punished. The present amendment says that, with respect to defaulted tickets drawn, he must deposit the whole amount in the Treasury, and now the same punishment which is contemplated for the first subject-matter is also provided for this. This must come as a separate section, and failure to comply with the provisions of this section should be followed by the consequence that the kuri should not be conducted, and only then should the fine follow, as pointed out with respect to clause 14. Otherwise, again, for not paying the amounts he will be punished.

Mr. President: I think that can be easily got over. Sub-clause (2) will be so framed that there will be one penalty for sub-clause (1) and another penalty for sub-clause (2). The Advocate-General will bear this point in mind. And then you must also make suitable modifications in your amendment to enable the money to be deposited in approved banks. The option must be given to deposit the money in approved banks. It is only a drafting amendment. This point must be remembered.

Amendment put and carried

Mr. President: Before we go to sub-clause (3), we have to dispose of sub-clauses (1) and (2).

Because the doubt created in the section as to whether security contemplated therein will take in approved securities has been made clear, the following amendment of Mr. Iyyunni is accepted:—

"In clause 22' sub-clause (2) (i), add between the words "security" and "shall be" the words "may include approved securities or". For the same reason the following amendment of the same member is automatically disposed of. *In clause 22, sub-clause (2) (1), add at the end.—"The foreman shall deposit such securities with the Registrar"*.

Amendment accepted

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I move that *after the sub-clause (iv) of clause 22 (2), the following shall be added.—*

*Speech not corrected by the hon'ble member.

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"(v) Where any foreman conducts a drawing after the period mentioned in clause (iii) without making the deposit or furnishing the security specified therein, he shall be liable to a fine not exceeding one thousand rupees".

Mr. President: I think the penalty must be thought of in a better manner. You don't take it just now. The Advocate-General will move a suitable amendment at the third reading for including penalty clause for sub-sections (2) (*i*) and (2) (*ii*).

Amendment kept in abeyance till the third reading

Mr. A. V. Moothedan *(Chalakkudi):* Sir, my next amendment is to give retrospective operation. It is to delete the whole of sub-clause (3) of clause 22. It says that where the foreman has drawn the prize amount in respect of a ticket other than the *kai narak* prior to the commencement of this Act, he shall furnish security. If he fails to do it, he will be fined. Only there I disagree. He must not be fined.

*__Mr. P. Govinda Menon__ *(Mulakunnathukavu):* Sir, I move *that the whole of sub-clause (3) of clause 22 be deleted.* Sub-clause (3) of clause 22 says that, with respect to tickets won by the foreman before the coming into force of this Act, and where the foreman has already appropriated the prize amount, he has, within a period prescribed, to furnish security for the amount already drawn by him. That is, according to us, giving retrospective operation to the provisions of this section to the great hardship of the foreman. These tickets were won and the prize amount drawn at a time when the law was in a certain state, which was fundamentally different from what is contemplated by the present Bill. To call upon the foreman now to furnish security for tickets won by them already, long before the Act, when this Act was not in contemplation, will be very hard upon the foreman. For that reason, I submit that sub-clause (3) may be completely omitted. That is to say, the obligation of the foreman will be to furnish security only with respect to tickets standing in his name, which are won after the commencement of this Act. With respect to the drawings conducted before the commencement of this Act, they have already appropriated the prize amount, and it will be improper to call upon these foremen to furnish security with respect to the future subscriptions. I can very well understand the objection that may come from the other side of this House. There will be no security whatsoever with respect to the future subscriptions. Examining the Act as a whole we see that we are not compelling the foremen to

*Speech not corrected by the hon'ble member.

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either deposit the whole amount or to furnish security for the whole amount. In clause 14 we say that where the collection is less than 50 per cent of the prize amount on any particular instalment, he is to pay only 50 per cent. That is to say, the Bill is making certain compromises. I think it is only proper that this compromise is made here also.

Mr. A. V. Moothedan *(Chalakkudi):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, This question has already been considered before this House when we considered certain other sections of the Bill. The point is only as to whether, because the *naraks* were drawn prior to the commencement of the Act, he should be allowed to get this amount without furnishing security for the future subscriptions. On account of the mere fact that the ticket was drawn prior to the commencement of this Act, his liability to subscribe after the commencement of this Act does not cease. Therefore, this has, really speaking, no such retrospective effect as in cases where a certain vested right is divested. He got the amount when there was no responsibility to furnish security. But his liability to pay future subscriptions continued. It is a distinct and separate liability recurring at each instalment as in the case of any other subscriber. The question is only whether he should be asked to furnish security for the future instalments consistently with the provisions of this Bill. The aim of the Bill is to see that the amounts appropriated by the foremen are well secured. Even for the *kainarak* we insist on security. Then, for the other *naraks* which stand in his name apart from *kainarak*, he has to furnish security. For the *cheenthipokku* he has to furnish security. Adopting that broad principle he should furnish security for the future subscriptions. A further facility has been given by saying that he need furnish security only within a period of 6 months. The question is, what has the foreman done with the money which he has drawn prior to the commencement of this Act. If he has invested it, then, of course, he can easily furnish security. There is no case of hardship at all in case the money has not been misspent. If he has squandered away the money, then of course, there is a greater necessity for insisting upon security, so that the solvency of the kuri may be maintained. The point is, if he has invested it without squandering the same, there is absolutely no difficulty to furnish security. If any person has not done that, it is up to this House to insist upon security so that the interests of the subscribers may be secured. In that case, he is not a fit person to conduct a kuri hereafter. It is only in cases where monies are invested by the foremen in pronotes or any other negotiable instruments that there may be some difficulty. These can very well be

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converted into any other approved security as contemplated within the wide definition of the term "approved security" now adopted. This is a simple proposition which is quite consistent with the whole scheme of the Act. If you take away that little security that is sought to be vested in the subscriber by allowing the foreman to draw the amount without furnishing security, we are really going against the principles of the Bill. As I said before, the security of the subscribers is the prosperity of the foreman. Therefore, it is not a case where the foreman is injured. If a foreman, on account of the mere fact that he is running a kuri wants to make use of the monies without the liability of even furnishing security, then, it is totally a different matter. This amendment is brought in for the purpose of ensuring the security of the subscribers. Under these circumstances, I submit that, to this limited extent, the foreman should be compelled to furnish security for the future subscriptions.

Mr. A. B. Salem *(Mattancheri):* Sir, In this matter, there is only one consideration from the point of view of the subscriber. That is certain kuries have already been started under the existing Act, and the foremen have taken the money and used it for their purposes. Now, it may or may not be possible for the foreman to furnish security. In case he is not able to furnish security for the future subscriptions of the ticket that he had already taken—the *kainarak* of the defaulter which he had taken—what would happen? The kuri will collapse. When the kuri collapses, a number of subscribers also will suffer. That is the only point of view to mitigate or to show some consideration. Supposing some of these foremen who are able to furnish security fail to give security. Certain foreman may have invested the money in the shape of education of their children, and they may be capable of bringing the necessary amount for the particular instalment to conduct the kuri. If it is the intention that such kuries should not continue at all and that they should be ended then and there, if a foreman is not able to furnish any security, although he may be a capable man and will find out the money sufficient for the conduct of the kuri at the proper time, the result will be the kuri will collapse, and thereby the subscribers also will suffer. Whether we should show this concession in the interests of the subscribers is the question. If Government are willing to consider the matter, it may be done. Otherwise, this stringent provision that is now tabled may stand. We have been consulting and considering the matter from the point of view of the subscribers. In cases where the foreman is a good man, who may be able to bring a kuri to a successful end, and who may be an honest man who will by all means conduct the kuri and bring it to

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a successful conclusion, if Government are not going to allow this concession, the poor subscribers will suffer.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Sir, the Advocate-General was referring to cases where these amounts might have been used—either he might have squandered away the whole amount or invested in some securities. If he has squandered away the money, he is certainly to be called upon to give security, and if there is any security, there is no difficulty to give a security for this purpose. I say, there may be cases where these two do not exist. There are cases where the foreman might have contributed for paying the prize-winners on account of the arrears left by the prize-winners. As is clear from the statistics supplied by the Committee Report, only one-third of the total amount is collected for each instalment. Now, the balance of two-thirds is made up by payment by the foreman from his own pocket. For the arrears which have been made good by the foreman in order to pay the subscribers there are securities for discharging the entire obligations taken upon by the foremen. I shall illustrate it. Suppose for each instalment there are arrears and the liability to discharge the obligations of the foreman exceed the arrears left by the prize-winners. The foreman is, no doubt, liable to contribute for each ticket the arrears remaining to be collected, on account of the defaulted tickets. Over and above the actual collections at each instalment, he has to find out some more money for paying the subscribers in full, because a large portion of the amount payable at each instalment is left in arrears. If the entire liability for the whole life of the kuri is Rs. 10,000, on account of these tickets drawn, and if the accumulated arrears exceed Rs. 10,000, assuming that all the successive prize-winners have been paid in full, the arrears of over Rs. 10,000 are available for payment to the defaulted subscribers. Therefore, so far as the prize-winners are concerned, the obligations of the foreman have been discharged in full and in time for all the succeeding instalments. How have these obligations been met? By contribution by him which comes to nearly Rs. 10,000, because the amount was left in arrears. So, if at any time the accumulated arrears from the prize-winners exceed the liability of the foreman, there will certainly be a security available for payment to the defaulter subscribers. Therefore, it cannot be said that there is absolutely no security, so far as these amounts that are drawn by the foreman on account of the defaulted tickets are concerned. No doubt, they will not be ear-marked as such. Now the present provision insists upon these particular amounts drawn by the foreman to be ear-marked or made available to be made use of for payment to the defaulted subscribers. We find ample security, so far as this amount is concerned. We have to consider

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whether the entire liability of the foreman on account of the drawing of this amount is in excess of the arrears left by the prize-winners, If at any time the arrears exceed, that will be ample security, and so the necessity of giving specific or ear-marked security on account of this amount can be dispensed with. There is sufficient security even otherwise. Over and above the obligations incurred by a foreman, if he has already with him more amounts than is necessary, then, certainly, the amounts which have been left in arrears by the prize-winners are sufficient security to discharge the obligations of the foreman towards the defaulter subscribers. So it cannot be said that there is no ample security. We need not look into the ways in which the amount has been utilised by the foreman. We have to look into and see whether he has discharged his obligations. We have also to see whether there are sufficient securities which could be made available for payment to the defaulter subscribers. I do not think it is very difficult to understand this. We can examine the accounts. At least one-third or half of the amounts are in arrears. It is evident from the Committee Report. So this arrears of one-third for each instalment will be ample security for the amounts payable by the foreman for each instalment. Further, if any particular prize-winner has not been paid on account of the inability to find out the necessary amount payable by him, at once Chapter IX can be applied, and the kuri can be forced to be wound up. There is that remedy in Chapter IX. So long as the respective prize-winners are paid in full, I submit that the obligations on account of the receipt of these amounts by the foreman will be more than discharged. They might have even contributed from their own pockets for meeting this obligation. From a practical standpoint, it will not be quite proper also to insist on securities for future subscriptions. That will involve practical difficulties. As Mr. Salem pointed out, it is in the interests of all to see that kuries which are now in progress are carried on to a successful end, and we have got ample reasons to expect that such honest and good people will certainly be prepared to pay up the amount.

Mr. President: If the House wants to resume discussion on the Kuries Bill I shall come at quarter past three. Till that time the House may continue discussion of the Resolution of Mr. T. V. Subramania Ayyar.

The House rose for lunch at 1-15 p.m. and reassembled at 2-45 p.m. with M. R. Ry. K. Ayyappan Avl., Deputy President, in the Chair.

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My submission to this House is that this is a resolution which really requires sympathetic consideration of the House and I must state that steps should be taken to bring it into effective operation.

Mr. President: The House will now take the Kuries Bill under consideration.

The Cochin Kuries Bill—*(cont.)*
Clause 22—*(cont.)*

*മിസ്റ്റർ ടി. കെ. നായർ: ഞാൻ ഇന്നലെതന്നെ പറയുകയുണ്ടായി ഇതിന്റെ നിയമപരമായുള്ള മുഴവൻ കാര്യങ്ങളും എനിക്കു വിവരമില്ലെന്നു്. ഒട്ടാകെ നിയമപരിജ്ഞാനമില്ലെങ്കിലും ഈ ബിൽ തികച്ചും പാസായാൽ—അല്ലെങ്കിൽ ഇന്നു് അവതരിപ്പിച്ചിരിക്കുന്ന മാതിരി പാസായാൽ—ഉണ്ടാകാവുന്ന ചില വൈഷമ്യങ്ങളെപ്പറ്റി എനിക്കു തോന്നിയേടത്തോളം ഈ അവസരത്തിൽ ഇവിടെ പറയാതെ നിവൃത്തിയില്ല. ക്ഷ ൧൦൬-ൽ പാസായ ബില്ലിന്നുശേഷം കുറെ കുറികളും തുടങ്ങി Statistics പ്രകാരം അതിനുമുമ്പു് രണ്ടായിരത്തിൽ ചിലപ്പാനം കുറികളും ഉണ്ടായിരുന്ന എന്നും ക്ഷ ൧൦൬-ലെ ബിൽ പാസായശേഷം മുന്നൂറിൽ ചിലപ്പാനം കുറികളേ തുടങ്ങിയുള്ളു എന്നും കാണുന്നുണ്ടു്. ക്ഷ ൧൦൬-നുശേഷം തുടങ്ങിയ കുറികളും ആ നിയമപ്രകാരമുള്ള സവ്വ് വ്യവസ്ഥകളും അനുസരിച്ചു തുടങ്ങിയ കുറികളാണു്. ക്ഷ ൧൦൭-ൽ ഇത്തരം ഒരു നിയമം ഇവിടെ പാസാക്കുമെന്നു് ചാരിച്ചു തുടങ്ങിയതല്ല ആ കുറികളും. ക്ഷ ൧൦൬-നു ശേഷം തുടങ്ങിയ കുറികളിൽ ഇന്നോവരെ നടത്തിയ നടത്തിപ്പിൽ എന്തെല്ലാം ഭയങ്കരങ്ങളായ ആക്ഷേപങ്ങളും ഉണ്ടായിട്ടുണ്ടെന്നും വരിക്കാർക്കു് എന്തെല്ലാം ദോഷങ്ങളുണ്ടായിട്ടുണ്ടെന്നും ഗവമ്മെണ്ടിനു ഞങ്ങളെ മനസ്സിലാക്കുവാൻ സാധിച്ചിട്ടില്ല എന്നാണു് എന്റെ അഭിപ്രായം. അല്ലെങ്കിൽ എനിക്കു മനസ്സിലായിട്ടില്ല. എത്രത്തോളം ഭയങ്കരമായ നടപടി ക്ഷ ൧൦൬-നു ശേഷം കുറി കൈക്കാരന്മാർ നടത്തീട്ടുണ്ടെന്നു മനസ്സിലാക്കുവാൻ സാധിച്ചിട്ടില്ല. ഉണ്ടായിരിക്കാം, ഇല്ലെന്നു ഞാൻ പറയുന്നില്ല. കുറിയിൽ ചേരാത്തവരും കുറി നടത്തിപ്പിൽ നിയമപരിജ്ഞാനമില്ലാത്തവരുമായ ഉൾനാട്ടുകളിൽനിന്നു വരുന്നവരായ ഞങ്ങൾക്കു് എന്തെല്ലാം ഭയങ്കരങ്ങളായ കാര്യങ്ങളാണുണ്ടായിട്ടുള്ളതെന്നു മനസ്സിലാക്കുവാൻ സാധിച്ചിട്ടില്ല. ബഹുമാനപ്പെട്ട ലേഡി മെമ്പർ പറഞ്ഞ ഒരു ഇൻസ്റ്റൻസു മാത്രമാണു് എനിക്കു മനസ്സിലാക്കുവാൻ സാധിച്ചതു്. ഞാൻ ഈ ബില്ലിനു എതിരാണെന്നു് ഒരിക്കലും ധരിക്കരുതു്. ഗവമ്മെണ്ടിൽനിന്നു് നാളെ മുതൽ കുറി നടത്തുവാൻ പാടില്ലെന്നു് ഒരു നിയമം കൊണ്ടുവരികയാണെങ്കിൽ ഞാൻ തികച്ചും അതിനെ അനുകൂലിക്കും. കുറി തുടങ്ങുകയാണെങ്കിൽ വരിക്കാർക്കു വളരെ ദോഷങ്ങളുണ്ടായിരിക്കും. അതുകൊണ്ടാണു് ഗവമ്മെണ്ടിൽനിന്നു് ഇതുകൊണ്ടുവരുന്നതെന്നു വിചാരിച്ചു് ഞാൻ അതിനെ അനുകൂലിക്കും. കുറി തുടങ്ങുന്ന കൈക്കാരനു് എന്തെല്ലാം ചുമതലകളുണ്ടെന്നു തിരിച്ചറിയുവാനുള്ള ഒരു സൌകര്യം അവക്കു കൊടുക്കണം. ക്ഷ ൧൦൬-ലെ നിയമമനുസരിച്ചു് തുടങ്ങീട്ടുള്ള കുറികളും ഏതാണ്ടു് അവസാനിപ്പിച്ചുകൊണ്ടുപോകാനുള്ള ഒരു സന്ദർഭം ഗവമ്മെണ്ടു കൊടുക്കണം. ഇപ്പോഴും നടത്തിവരുന്ന കുറിക്കാർക്കു് ഈ പുതിയ നിയമം കൊണ്ടു് ഒരു ശാപമുട്ടലുണ്ടാകും. ഇതേവരെ ഗവമ്മെണ്ടു് ഭാഗത്തുനിന്നു് വാദിച്ചിട്ടുള്ളതു് മുഴുവൻ subscribers-ന്റെ രക്ഷക്കു വേണ്ടിയാണു്. ഞാനും വാദിക്കുന്നതു് അവരുടെ രക്ഷക്കുവേണ്ടി തന്നെയാണു്.

*Speech not corrected by the hon'ble member.

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ഇപ്പോൾ നടന്നുവരുന്ന കുറികൾക്കു ഇന്നേവരെ വീഴ്ചവരുത്തിയ നറുക്കുകളുടെ പ
ണം മുഴുവനും ഡെക്കുറിട്ടി കെട്ടണമെന്നാണല്ലൊ വാദം. ഈ നിയമം Perfect
ആകണമെങ്കിൽ, Ideal ആകണമെങ്കിൽ, നിങ്ങൾ പറയുന്നതൊക്കെ ശരിയാണു്.
അങ്ങിനെ Perfect ആക്കണമെന്നേ നിങ്ങൾക്കു വിചാരമുള്ളുവെങ്കിൽ ഞങ്ങൾ
ക്കൊന്നും പറയാനില്ല. പക്ഷെ Ideal condition എല്ലാകാര്യത്തിലും സാദ്ധ്യ
മല്ല. ഫ്ര ഠ-നുശേഷം ഇതെല്ലാം കൈക്കാരന്മാർ മുഴുവൻ അനുഭവിച്ചുകാല
ത്തു എന്തെല്ലാം ദോഷങ്ങൾ വന്നു എന്നുനോക്കണം. ഇതേവരെ കഴിഞ്ഞതുപോ
ലെ ഇനി നടക്കാൻ സാധിക്കയില്ല. അനവധി നിബന്ധനകൾ പുതിയ നിയ
മത്തിലുണ്ടു്. ഡെക്കുറിട്ടി കൊടുക്കണം, പിരിഞ്ഞ പണം മുഴുവൻ ട്രഷറിയിൽ
അടക്കണം, ചീന്തിപ്പോക്കു നറുക്കിന്റെ പണത്തിന്നു മുഴുവൻ ഈടു കൊടുക്കണം
ഇങ്ങിനെ പല നിബന്ധനകളുമുണ്ടു്. ഇങ്ങിനെയായാൽ കൈക്കാരന്റെ നാള
ത്തെ സ്ഥിതി എന്താണു്? കുറി മുടങ്ങുകയാണെങ്കിൽ തീച്ചയായും കൈക്കാരനേ
ക്കാൾ Subscribers നു ആയിരിക്കും അധികം ദോഷംവരുക. ഈ ഭാഗം ഗവ
മ്മെണ്ടു സമ്മതിക്കും. അങ്ങിനെ സമ്മതിച്ചാൽ എന്തുകൊണ്ടു അവരോടു ഒരു ദയവു
കാണിച്ചുകൂടാ? ഇന്നുമുതൽ ഗവമ്മെണ്ടിൽനിന്നു ഈ വകുപ്പുകൾ അനുസരിച്ചുള്ള
ഗൌരവതരമായ നടപടികൾ എടുക്കണമെന്നു നിബന്ധനയുണ്ടാക്കുക. എന്നാൽ
കഴിഞ്ഞ കാര്യങ്ങൾ ഇതുവരെ നടന്നുതുപോലെ നടന്നുകൊള്ളട്ടെ.

ഗവമ്മെണ്ടിന്റെ സ്റ്റാററിസ്റ്റിക്"സുകൊണ്ടതന്നെ നൂറു ശതമാനമേ പിരി
യുന്നുള്ളു എന്നു പറയുന്നുണ്ടു്. അതിന്നു മൂന്നുമാസത്തിന്നുള്ളിൽ ൪൦ ശതമാനം അ
ടക്കണമെന്നു വെച്ചിരിക്കുന്നു. എന്താണു് ഇതിലുള്ള ജസ്റ്റിഫിക്കേഷൻ. ദിവാൻ
പ്രസിഡണ്ടു് അവർകൾ കുറച്ചുമുമ്പു പറഞ്ഞപോലെ കുറികൈക്കാരന്മാർക്കു മുഴുവൻ
സംഖ്യയും കൊടുക്കേണ്ട ചുമതലയുണ്ടു്. അവരുടെ ബുദ്ധിമുട്ടിനെ ഓർത്താണു്
൪൦ ശതമാനം കെട്ടിയാൽ മതിയെന്നു വെച്ചിട്ടുള്ളതു്. അത്തരം ഒരു മനഃസ്ഥിതി
ഈ കാര്യത്തിലും ഗവമ്മെണ്ടു കാണിക്കണം. എന്റെ ദൃഷ്ടിയിൽ ഇതു വ
ളരെ ഭയങ്കരമായ ഒരു കാര്യമാണു്. ഞാൻ വിചാരിക്കുന്നതു് തെററായിരിക്കാം.
എനിക്കു പറയുവാനുള്ളതു് മേലാൽ കുറികൾ വൈൻറപ്പു് ചെയ്യുവാനുള്ള ഒരു
സന്ദർഭം നിങ്ങൾ ഉണ്ടാക്കിത്തീർക്കുതെന്നാണു്. മൂന്നുമാസത്തിന്നുള്ളിൽ ൪൦ ശത
മാനം അടച്ചാൽ മതിയെന്നു നിങ്ങൾ ഏതുതരത്തിൽ സമാധാനിച്ചോ അതുത
രത്തിൽ ഈ കാര്യത്തിലും ഒന്നു സമാധാനിക്കണം. ഞാൻ ഇതു ഫോർമാന്മാർക്കു
വേണ്ടി അപേക്ഷിക്കുകയാണെന്നു വിചാരിക്കരുതു്. കുറി വീഴ്ചവരുത്താതെ കഴി
ഞ്ഞുകൂടണം. വീഴ്ചവരുത്തിയാൽ Subscribers നു ആണു് അധികം ദോഷം. അ
തുകൊണ്ടു് ഈ കാര്യത്തിൽ ഒന്നുകൂടി ഗവമ്മെണ്ടിന്റെ ദൃഷ്ടി ഞാൻ ക്ഷണിച്ചു
കൊള്ളുന്നു.

മിസ്റ്റർ പി. വി. റാഫേൽ : കുറിയെപ്പററി ഞങ്ങൾ അന്വേഷണം നടത്തി
യതിൽ ബാങ്കുകൾ നടത്തുന്ന പല കുറികളും ഞങ്ങൾ നോക്കീട്ടുണ്ടു്. ചില സ്ഥ
ലങ്ങളിൽ എഴുപത്തയ്യായിരത്തോളം രൂപാവരെ കൊടുത്തുതീർക്കുവാനുള്ള കണക്കു
ഞങ്ങൾക്കു കിട്ടീട്ടുണ്ടു്. ചീന്തിപ്പോക്കു നറുക്കുകളുടെ പണവും പിരിഞ്ഞുകിട്ടിയ
പണവും മറുമെടുത്തു വേറെ ചിലവാക്കീട്ടാണു് ഇങ്ങനെയൊക്കെ വന്നിരിക്കു
ന്നതു്. ഇതു് ഒരു ബാങ്കിലുണ്ടായ കാര്യമാണു്. ഏതാണ്ടു് ഇതുമാതിരി വേറെ
കുറികളിലും കണ്ടിട്ടുണ്ടു്. ഇങ്ങിനെയൊക്കെയിരിക്കുന്ന സ്ഥിതിക്കു് മേലാൽ ഇ
ങ്ങിനെ വരാതിരിക്കുവാനാണു് ഈ ബിൽ കൊണ്ടുവന്നിരിക്കുന്നതു്.

മിസ്റ്റർ ബി. എം. പീററർ: സർ, ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കു
ന്നു. കുറികൾക്കു് അധഃപതനം തുടങ്ങിയതു് കുറി വെച്ചിരിക്കുന്ന തലയാളന്മാ
രുടെ കുറ്റംകൊണ്ടോ, കുറിയിൽ ചേർന്ന ചിറ്റാളന്മാരുടെ കുറ്റംകൊണ്ടോ

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അല്ല. ഫ്രാൻസ് മുതല്ലു് ലോകമൊട്ടാകെ സംഭവിച്ച സാമ്പത്തികാധഃപതനം കൊണ്ടു് ചിറ്റാളന്മാക്കു് അതായതു ഗഡുക്കളിൽ വെക്കേണ്ട സംഖ്യ വെക്കുവാൻ സാദ്ധ്യമാകാതെ വന്നതുമൂലം ഉണ്ടായിട്ടുള്ളതാണു്. കുറികൾക്കു വന്ന ഈ അപകടം. അതല്ലാതെ മുഴവൻ കുറവും തലയാളുകൾക്കതാണെന്നു ധരിക്കുന്നതു തെറ്റാണു്. കുറി വെച്ചിരിക്കുന്ന തലയാളന്മാർ സ്വതേ കള്ളന്മാരാകാൻ ഉദ്ദേശിക്കുകയില്ല. ഒരു കുറി വെക്കുന്ന തലയാളൻ തീച്ചയായും അവന്റെ കുറിക്കു് ഒരു നല്ല പേരുണ്ടാക്കിത്തീർക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയായിരിക്കും അവൻ അതിനു പുറപ്പെടുക. പക്ഷെ, നിർഭാഗ്യവശാൽ അതിനു ഇടവരാതിരിക്കും. ഫ്രാന്റെ മുതല്ലു് പല കുറികളും അധഃപതിച്ചു കഴിഞ്ഞിട്ടുണ്ടു്. ചിറ്റാളന്മാക്കു് കൊടുക്കുവാനുള്ള പണം പല തലയാളന്മാക്കും കൊടുത്തു തീക്കുവാൻ സാധിക്കാതെവന്നു. അതുകൊണ്ടു് ഫ്രാന്റെ-ൽതന്നെ തലയാളന്മാരെ ബന്ധിക്കുന്ന ഒരു നിയമം ഗവണ്മെന്റിൽനിന്നു് ഈ സമ്മേളനം പാസ്സാക്കി. എന്നാൽ ഇന്നു് അതിലും കർശനമായ ഒരു നിയമം മൂലം തലയാളന്മാരെ മർദ്ദിക്കുന്നതു ശരിയല്ലെന്നാണു് എന്റെ ബലമായ അഭിപ്രായം. എന്നു തന്നെയല്ല ഈ സംസ്ഥാനത്തെ കുറികളുടെ ഉദ്ദേശ്യക്രിയ നടത്തുന്നതിനുള്ള പ്രവൃത്തിയല്ലെ എന്നുകൂടി എനിക്കു സംശയമില്ലാതില്ല എന്നാണു് എനിക്കു പറയാനുള്ളതു്. ഇവിടെ സെക്ഷൻ 42 (2) നെ സംബന്ധിച്ചുള്ള വാദത്തിൽ ബഹുമാനപ്പെട്ട അഡ്വക്കേറ്റു് ജനറൽ സഭയെ ധരിപ്പിക്കുകയുണ്ടായി, തലയാളന്മാർ എടുത്തു സ്വതെ ശാപ്പിട്ടിട്ടില്ലെങ്കിൽ എത്രകൊണ്ടു് അവക്കു് ആ വക സംഖ്യക്കു് ഈടു കൊടുത്തുകൂടാ എന്നു? അതിനു ഞാൻ പറയുന്ന മറുപടി, കുറിയിൽ പല തരത്തിലുള്ള കുടിശ്ശികകളും ചിറ്റാളന്മാർ ഉണ്ടാക്കാറുണ്ടു്. അങ്ങിനെയുള്ള കുടിശ്ശികകളും പരിഹരിച്ചു പോന്നിരുന്നതു് തലയാളന്മാർമാത്രമാണു്. ഇങ്ങിനെയുള്ള കുടിശ്ശികകളും പരിഹരിച്ചു പോന്നിരുന്നതായ ഈടുകളും ഗവണ്മെണ്ടു് ഈടായി കണക്കാക്കുന്നില്ല. അതു് കണക്കാക്കിയാൽ ഈ പറഞ്ഞിട്ടുള്ള സംഖ്യക്കു് ഒരു പരിഹാരമാകും. അതു കണക്കാക്കാത്തതുകൊണ്ടാണു് പുറമെ ഈടു് അന്വേഷിക്കേണ്ടതായി വരുന്നതു്. തലയാളന്മാർ ഈ പണം ശാപ്പിടാതെതന്നെ ഈടുകൊടുപ്പാൻ നിവൃത്തിയില്ലാത്ത മറ്റു പല നടപടികളും നടത്തിയെന്നു വന്നേക്കാം. ഉദാഹരണമായി ഒരു കച്ചവടക്കാരനാണെങ്കിൽ അവൻ സ്വന്തംപേരിലുള്ള കുറിനറുക്കുമൂലം കിട്ടിയ സംഖ്യയെടുത്തു് കച്ചവടം നടത്തിയെന്നു വരാം. അതു പലേ സാധനങ്ങളുമായിട്ടാണു് കിടക്കുന്നതു്. ഇന്നു് ഈ പണം ബാങ്കിൽ അടക്കണമെന്നു് വെച്ചാൽ അവന്റെ കയ്യിലുള്ള സാധനങ്ങളെല്ലാം പെട്ടവിലക്കു വിറ്റു് അവന്റെ ഈടു് ബോദ്ധ്യപ്പെടുത്തണം. ഇതാണു് തലയാളന്മാക്കു വന്നുകൂടുന്ന അപകടം. നിയമത്തിന്റെ മൌലീകതത്വങ്ങൾക്കു വിരോധമായ retrospective effect കൊടുക്കുന്നതുമൂലമുണ്ടാകുന്ന അനന്തരഫലങ്ങളെക്കൂടി ചിന്തിക്കണം. ആയതുകൊണ്ടു് സെക്ഷൻ 42 (2) ഒട്ടാകെ ഉപേക്ഷിക്കണമെന്നുള്ള ഈ ഭേദഗതിയെ സ്വീകരിക്കണമെന്നപേക്ഷിക്കുന്നു.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: സർ, ഈ ഭേദഗതിയെ അനുകൂലിച്ചവരും പ്രതികൂലിച്ചവരും പറഞ്ഞ ന്യായങ്ങൾ മനസ്സിലാക്കുവാൻ പ്രയാസമായിരിക്കുന്നു. ഇങ്ങിനെ വെറും തത്വങ്ങൾ മാത്രം പറഞ്ഞാൽ കാര്യം മനസ്സിലാകയില്ല. തത്വങ്ങളുടെ പ്രയോഗത്തിലുള്ള അനുഭവങ്ങൾ എങ്ങിനെ ഇരിക്കുമെന്നു മനസ്സിലാകണമെങ്കിൽ കണക്കുകൾ വേണം. ഭേദഗതികൊണ്ടു് ഒരുവേള ഗുണം വരാം. നശിക്കേണ്ട കുറികൾ നശിച്ചുകഴിഞ്ഞു. ബാക്കിയുള്ള കുറികൾ കൈക്കാരന്മാർ നടത്തി മുഴമിപ്പിച്ചേക്കാൻ ഇടയുണ്ടു്. അങ്ങിനത്തെ കുറികൾ ഇപ്പോൾ നടപ്പിൽ വരുത്തുവാൻ പോകുന്ന നിയമംകൊണ്ടു മുടങ്ങുവാൻ ഇടവരുന്നതു ചിറ്റാളന്മാക്കുതന്നെ ദോഷകരമായിരുന്നേക്കാം. അതും കണക്കുകൾ ഉണ്ടെങ്കിലെ തീർച്ച

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യാക്കാവു. കണക്കുകൾ രണ്ടു ഭാഗത്തുനിന്നും ഹാജരാക്കിയിട്ടില്ല. ഹാജരാക്കുകയാണെങ്കിൽ കൈക്കാരന്മാരുടേയൊ ഗവമ്മെണ്ടിന്റേയൊ ഭാഗം ചേരാതെ ചിറാളന്മാരുടെ ഗുണം മുൻനിറുത്തി വാദിക്കാണമെന്നു് ആഗ്രഹമുള്ളവർക്കു് ഈ ഭേദഗതി സംബന്ധിച്ചു് ഒരു ഖണ്ഡിതമായ നില എടുക്കുവാൻ കണക്കുകൾ ഇല്ലാത്തതുകൊണ്ടു സാധിക്കാതായിരിക്കുന്നു.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* On a point of information, Sir, the Hon'ble Joint Secretary was telling us that there were liabilities to the extent of Rs. 75,000 in a kuri conducted by one particular bank. May I ask him what the assets of the bank are? I don't want the name of the bank. May I know whether the assets of that particular bank will not be sufficient to cover the liabilities?

Mr. P. V. Raphael *(Joint Secretary to Government):* They have got assets equal to that amount. But they have been dissipating amounts on school buildings and things like that.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* Is it a running concern?

Mr. P. V. Raphael *(Joint Secretary to Government):* The bank is even now running.

*മിസ്റ്റർ വി. കെ. കുട്ടി: സർ, ഇവിടെ വാദപ്രതിവാദത്തിനിടയായി തീർന്നിട്ടുള്ളതു് ഈ ബില്ലിലെ സെക്ഷൻ 4-ലെ സബ്സെക്ഷൻ 2 ആണു്. ഇതിൽ പറഞ്ഞിരിക്കുന്നതു് കുറി കൈക്കാരന്മാർ അവർ നടത്തുന്ന കുറികളിൽ ചേർന്നിട്ടുള്ള നറുക്കുകൾ അവക്കു വന്നിട്ടുണ്ടെങ്കിൽ ആ വന്നിട്ടുള്ള സംഖ്യയിൽ ഇറക്കിയതു കഴിച്ചു് ബാക്കിയുള്ള സംഖ്യക്കു് ഈടു കൊടുക്കണമെന്നുള്ളതാണു്. അങ്ങിനെയാണെങ്കിൽ പിന്നെ എന്താണു് ഈ വാദപ്രതിവാദത്തിനു കാരണമെന്നുള്ളതിനെപ്പറ്റി ആലോചിക്കേണ്ടിയിരിക്കുന്നു. ചിറാളന്മാക്കുവേണ്ടി കൊണ്ടുവന്നിട്ടുള്ളതാണു് ഈ ബിൽ. വാസ്തവത്തിൽ ഇതു് ചിറാളന്മാക്കുവേണ്ടിയാണെന്നു് സമ്മതിക്കുന്നുണ്ടെങ്കിൽ നിശ്ചയമായും ഈ സബ്സെക്ഷൻ 2 ഈ സഭ അംഗീകരിക്കണമെന്നാണു് എന്റെ വിനീതമായ അഭിപ്രായം. ഒരു കുറി നടത്തുന്ന മൊത്തം കൈക്കാരനു വന്നിട്ടുള്ള കുറിയുടെ സംഖ്യ ആയാലും സ്വന്തം നിലയിൽ എടുത്തു വ്യാപരിക്കുകയോ, മറ്റൊരു മെമ്പർ ഇവിടെ പറഞ്ഞതുപോലെ വ്യാപാരത്തിൽ മുടക്കുകയൊ ചെയ്തിട്ടുണ്ടായിരിക്കാം. ആ സംഖ്യ അവക്കു കിട്ടുണമെങ്കിൽ ആ കുറി വട്ടമെത്തുമ്പോൾ മാത്രമെ കിട്ടുകയുള്ളു. ഒരു വ്യാപാരമാണു് നടത്തുന്നതെങ്കിൽ പക്ഷെ ഇടക്കുവെച്ചു് അതു നശിച്ചുപോവുന്നവരാം. അതല്ലെങ്കിൽ ചിറാളന്മാരുടെ കഴപ്പംകൊണ്ടോ കൈക്കാരന്മാരുടെ കഴപ്പംകൊണ്ടോ ഇടക്കുവെച്ചു് ആ കുറി നിന്നുപോവുന്നവരാം. അങ്ങിനെ വരുമ്പോൾ ബഹുമാനപ്പെട്ട ദിവാൻ പ്രസിഡണ്ടു പറഞ്ഞതുപോലെ സംഖ്യയുണ്ടു്, അതു നിങ്ങളെടുപ്പാലെയുള്ള ചിറാളന്മാർ വാങ്ങിക്കൊണ്ടുപോയിരിക്കയാണു്, ബാങ്കിലോ മറ്റു കടക്കാരോ കൊടുത്തിരിക്കയാണു് എന്നു പറയുന്നപക്ഷം അതു ചിറാളന്മാരെ സംബന്ധിച്ചിടത്തോളം അപകടമാണു്. ഈ പുതിയ നിയമത്തിലുള്ള ഈ സബ്സെക്ഷൻ കൂടാതെ ഈ ബിൽ പാസ്സാക്കുന്നപക്ഷം അതിന്റെ മറയിൽ നിന്നുകൊണ്ടു് കുറി അവസാനിക്കുന്നതിനു മുമ്പു് പല കൃത്രിമങ്ങളും പ്രയോഗിച്ചു് ചിറാളന്മാക്കു്

* Speech not corrected by the hon'ble member.

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പല ദോഷങ്ങളും വരുത്തുവാനിടയുണ്ട്. ഇതിനെപ്പറ്റി ഇവിടെ വാദപ്രതിവാദങ്ങളും നടന്നിട്ടുള്ളതുകൊണ്ടും, ഈ സബ്ജ്സെക്ഷനിൽ പറഞ്ഞിട്ടുള്ള പരിരക്ഷകളെപ്പറ്റി ആലോചിക്കുമ്പോഴും ഈ സെക്ഷൻ പാസ്സാക്കുന്നതു നല്ലതാണെന്നാണ് എന്റെ പൂർണ്ണമായ അഭിപ്രായം. വാസ്തവത്തിൽ പോയതു കഴിച്ചു ബാക്കിയുള്ളതു് പങ്കിട്ടെടുക്കാമെന്നു വിചാരിക്കുകയാണെങ്കിൽതന്നെയും ആ സംഖ്യക്കു ഒരു ജാമ്യം ആവശ്യമായിട്ടാണിരിക്കുന്നതു്. ബഹുമാനപ്പെട്ട ജോയിന്റ് സിക്രട്ടറി അവർകൾ പറയുകയുണ്ടായി ൭൫,൦൦൦ ഉറുപ്പികയോളം കുറിവന്നിട്ടുള്ളവരുടെ സംഖ്യ ചിറ്റാളന്മാക്കു കൊടുക്കാനുള്ളതായി കൊച്ചീരാജ്യത്തുണ്ടെന്നു്. അത്ര ഭയങ്കരമായ ഒരു നില കുറിക്കാരെ സംബന്ധിച്ചുള്ളതുകൊണ്ടു് അതിനൊരു പരിരക്ഷയുണ്ടാക്കുവാൻ ഈ സെക്ഷൻ ആവശ്യമായിട്ടുള്ളതാണു്. ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു.

*മിസ്റ്റർ എ. ഈച്ചരമേനോൻ: സർ, വാദപ്രതിവാദങ്ങളും എവിടെയെല്ലാമോഎത്തി. വീണുപോയ നറുക്കു കുറിക്കാർ പിരിച്ചെടുത്തിട്ടുണ്ടെങ്കിൽ അതേവരെ അടച്ച സംഖ്യ കഴിച്ചു ബാക്കി സംഖ്യക്കു ജാമ്യം കൊടുക്കണമെന്നാണു് പറയുന്നതു് മിസ്റ്റർ കയ്യും പറയുകയുണ്ടായി, വേറെയും കുറിക്കാർ സംഖ്യ അടക്കാതിരുന്നാൽ അതിൽ കൂടുതൽ സംഖ്യ ഉപയോഗിക്കേണ്ടിവരുന്നുണ്ടെന്നു്. എന്നാൽ മിസ്റ്റർ കയ്യളെ പോലെയുള്ള മഹാന്മാർ വെറുതെ സംഖ്യ കൊണ്ടുപോയി കൊടുക്കുമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. കൂടുതൽ സംഖ്യ ഉപയോഗിച്ചിട്ടുണ്ടെങ്കിൽ അതു് അവരുടെ കയ്യിൽത്തന്നെ ഉണ്ടാകും. അതുപോലെ കടിശ്ശിക തീർക്കേണ്ട കാര്യം ഇവിടെ മിസ്റ്റർ പീറർ പറയുകയുണ്ടായി. അതിനും വല്ല രേഖയും ആവശ്യപ്പെടാതിരിക്കയില്ല.

മിസ്റ്റർ കെ. കൊച്ചുകുഞ്ഞൻ കയ്യും: രേഖ ആവശ്യപ്പെടുന്നതു് പണം കിട്ടാത്തതുകൊണ്ടാണു്.

മിസ്റ്റർ എ. ഈച്ചരമേനോൻ: മുമ്പു് എഴുതിവെച്ചിട്ടുള്ള രേഖ പോരാ, മേലാൽ അടക്കുന്നതിനു് ഈടുവേണമെന്നാണു് ആവശ്യപ്പെടുന്നതു്. മുമ്പു് എഴുതിവെച്ചിട്ടുണ്ടെങ്കിൽ അതു് മേലാൽ അടക്കാനുള്ളതിനു് ഈടാകയില്ലേ? ബാങ്കിനെ ഏല്പിക്കുന്ന കാര്യം പറയുകയുണ്ടായി. എന്റെ അറിവിൽ രണ്ടുമൂന്നു ബാങ്കുകളും ഇന്നും നല്ലനിലയിൽ നടക്കുന്നുണ്ടു്. അതുകൊണ്ടു് അതിനെപ്പറ്റി ഭയപ്പെടുവാനുണ്ടെന്നു തോന്നുന്നില്ല. പണം കൊടുത്തു് എഴുതി വാങ്ങിയതിനുകൂടി ജാമ്യം കൊടുക്കയില്ലെന്നുവെച്ചാൽ അതു് എന്തൊരു വിഷമമാണു്? വസ്തു പണയം എഴുതിയാൽ പണം കൊടുക്കാൻ വിരോധമില്ലാത്തതാണു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: ആ പണം വേറെ വഴിക്കു ചിലവായിപ്പോയാലോ?

മിസ്റ്റർ വി. കെ. കുട്ടി: പണം കൊടുക്കുവാനല്ല, ഈടു കൊടുക്കുവാനല്ലേ പറയുന്നതു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: വയിൻറ്റപ്പു ചെയ്യുന്നവരുടേയും നടത്തിക്കൊണ്ടുപോകുന്നവരുടേയും കണക്കു വേണം.

മിസ്റ്റർ എ. ഈച്ചരമേനോൻ: മറവുള്ളവരുടെ സ്വത്തെടുത്തിട്ടു് അതിനു ലക്ഷ്യം കൊടുക്കുകയില്ലെന്നു പറയുകയാണെങ്കിൽ അതു ശരിയല്ല. അതുകൊണ്ടു് ഞാൻ ഇതിനെ എതിർക്കുന്നു.

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*Speech not corrected by the hon'ble member.

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മിസ്റ്റർ എം. നാണുമേനോൻ: സർ, സെലക്ട് കമ്മിറ്റിമെമ്പറുടെ നിലയിൽ മിസ്റ്റർ അയ്യപ്പൻ പറഞ്ഞ "ഭയങ്കരം" എന്ന വാക്കാണ് വളരെ ഭയങ്കരമായിട്ട് എനിക്കു തോന്നുന്നത്. ഈ ബില്ലിന്റെ പ്രിൻസിപ്പിൾ നോക്കിയാൽ ഇതിൽ യാതൊരു ഭയങ്കരത്വവും ഞാൻ കാണുന്നില്ല. ഒരാൾ ഒരു കുറി നടത്തുന്നതിനു് ഇത്ര ഉറപ്പിക സല നിശ്ചയിച്ചിട്ടുണ്ടെങ്കിൽ അതിനുള്ള ജാമ്യം കൊടുക്കുക; കുറി മര്യാദയായി നടത്തുക; കുറിക്കാശു കൈനറുക്കിനു് ജാമ്യം കൊടുക്കുക; ചീന്തിപ്പോക്കിനു ജാമ്യം കൊടുക്കുക ഇത്രയുമല്ലാതെ ഈ ബില്ലിൽ യാതൊന്നും ഞാൻ കണ്ടില്ല. ഇതു് ഇത്ര ഭയങ്കരമാണെന്നുണ്ടെങ്കിൽ വളരെ സൂക്ഷിക്കേണ്ടതാണു്.

***Dr. A. R. Menon** *(Minister for Rural Development):* Sir, While I do not wish to enter into the merits of this question in detail, I wish to make one or two general observations for the information of this House as well as of Government. It is only fair at the very outset to admit that my learned friend, the Advocate-General by various amendments, has succeeded in reducing the harshness of this measure to a very great extent, so much so that even my friend Mr. Iyyunni was satisfied very much and freely admitted the fairness of the Advocate-General's amendments.

Now, Sir, the only clause that gives trouble is clause 22 (3). I do not think any one can for a moment take an attitude of opposition towards Government on the ground that it is illegal, vexatious, harsh or inequitable. I may at the very outset admit that there is substantial fairness in the contention that he who receives the money and has to pay in instalments in future should at least offer sufficient securities for the future payments. There is no inclination on the part of any one in this House to question the fairness of the equitable nature of the position assumed by Government. But the only difficulty arises, as Mr. T. K. Nayar pointed out, when these sections are put to their logical conclusion. When that is done, what will be the net result? It may be said that a person who is conducting a kuri should either have liquid cash or something by way of property to pledge in return for the money. It is asked, is it not his duty then to show either the assets in money or something in value, sufficient to meet the liabilities involved? I do not think that anybody can question that argument also. What happens is some of these people might have bungled or mismanaged. Then a question is asked, is it not the duty of Government to safeguard the general public against such shady practices. Let me ask a counter-question, Sir. Did not these people enter into these kuries without any of these restrictions or without any of these limitations imposed upon the activities of the foremen by Government? Did their eyes open in spite of repeated bitter experiences at the hands of the foremen—I myself was one in olden times and I have some little experience? Let me ask again

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whether, in spite of that experience, have you not been entering these kuries? On what basis? On the basis that somehow or other these kuries will be terminated in a satisfactory manner. Now, by these various regulations we have restricted their activities and conferred additional benefits and security on the subscribers. Then the question arises; is it an absolute necessity to impose this also at this very time? It may be that within 5 or 6 years' time these kuries will come to an end. I am not disposed to question the attitude of Government, nor am I inclined to vote against Government proposition on that ground. What we can do is to place these various factors before Government. I feel that there is a general concensus of opinion, in this House at any rate, that, if possible, no additional burden need be placed on the heads of the foremen, and that any burden that could be disposed of should not be imposed upon him. What you notice in this House is this. There is a general hostility, rightly most probably, against the foremen. There is a general hostility towards them, most probably due to various other causes. Even a hostile House like this, which has been supporting Government all through in this measure, when they begin to entertain a feeling whether it is not possible to restrain the hands of Government with regard to this particular section, then, when such a feeling arises here, I should most earnestly urge upon Government to consider this question. I am not going to say what it should be, but in the third reading, after consultation with Messrs. T. K. Nayar and Iyyunni, if Government feel that there is any necessity, and that there is any *bona fides,* Government should exempt those banking companies. For example, the banks may be exempted, as they are exempted in various other cases, or that sympathy may be shown towards any other individual concern where that can be shown.

An instance has been shown to me of a bank conducting a series of kuries—kuries which run for about 9 years out of 10. They are also conducting another kuri to run for 5 years. After the termination of the 10th year, when there will be a surplus cash coming into the hands of this company in respect of the first kuri, that cash can be utilised for the purpose of discharging the various obligations the company has in respect of the second kuri. Let it also be said here that this is a company which is running only kuries. No other business. I do not want to mention the name of the company. Sir, the kuries are at present at various stages of development. When a kuri reaches the full time, a surplus cash is received, which these companies make use of in running the other kuries. Now the loans, till they are redeemed after the completion of the kuri, cannot be made use of for any other purpose, *i. e.*, these pledged papers cannot be used in relation to any other kuri. If, for example, the Kuri Registrar is

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satisfied that the company has surplus assets, either in cash or in any other securities, then it is a fit case for Government to use their discretion. In some such way, if the provisions are modified to some extent, that will give a great relief to the foremen. It will also avoid the winding up of kuries which will act more injuriously upon the subscribers than upon the foremen. It may be that only these roguish foremen have appropriated these amounts for themselves; but there will also be honest foremen who might not have appropriated these amounts. Our object is to restrain the activities of the wrong type of foremen. By this amendment we will be not only restraining them, but we will be consciously or unconsciously giving some trouble to those honest foremen as well as the subscribers themselves. This is only a suggestion that I make, that in the third reading the Hon'ble Advocate-General may be pleased, with the consent of Government, to devise some method in order to give relief to all these people. I suppose this alternative may be acceptable generally to this House and to the public at large.

*മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: സർ, ഈ കുറിബിൽ അവതരിപ്പിച്ചതിനു ശേഷം പലേ വകുപ്പുകളും ഈ നിയമസഭയുടെ ദൃഷ്ടിയിൽ പെടുത്തുകയും, പല കാര്യങ്ങളിലും ഗവമ്മെണ്ടിന്റെ ദയവുകൊണ്ട് ചില ആനുകൂല്യങ്ങൾ ഫോർമാന്മാർക്കും നല്കുകയും ചെയ്തിട്ടുണ്ടെന്നുള്ളതു് ഞാൻ നന്ദിയോടുകൂടി പ്രസ്താവിച്ചുകൊള്ളുന്നു. (ഹിയർ, ഹിയർ). എന്നാൽ ഇതേവരെ നിയമസഭയിലെ അനുദ്യോഗസ്ഥന്മാരാജികന്മാരും ഗവമ്മെണ്ടും നൽകീട്ടുള്ള പല ആനുകൂല്യങ്ങൾക്കും ഈ പ്രാതികൂല്യം അതിക്രമിച്ചിരിക്കുന്നുവെന്നാണു് എനിക്കു് ഒന്നാമതായി പറയുവാനുള്ളതു്. മിസ്റ്റർ ടി. കെ. നായർ, ഡോക്ടർ എ. ആർ. മേനോൻ മുതലായവർ ഫോർമാന്മാർ എടുത്തുപയോഗിച്ചിട്ടുള്ള സംഖ്യക്കു് ഈടുകൊടുക്കണമെന്നു പറയുന്നതു്വളരെ നീതിയാണെന്നു പ്രസ്താവിക്കുകയുണ്ടായി. അതു ശരിയാണുതാനും. എന്നാൽ എനിക്കു രണ്ടു മൂന്നു സംഗതികൾ ഈ സഭയെ ഉണർത്തിക്കുവാനുള്ളതു് താഴെ പറയുന്നവയാണു്. ക്ഫ ൦൭-ലെ കുറി റഗുലേഷനിൽ രണ്ടു വിഭാഗമായ വകുപ്പുകൾ ഉണ്ടായിരുന്നു. അതു് ക്ഘ, ക്ങ എന്നീ രണ്ടു വകുപ്പുകളാണു്. അതനുരിച്ചു്റിട്രാസ്റ്റ്ഡീവു്ഇഫക്ടു് കൊടുക്കേണ്ട എന്നു് അന്നത്തെ ഗവമ്മെണ്ടും നിയമസഭയും സമ്മതിച്ചു. അതനുസരിച്ചു് ഇതേവരെ നടന്നുപോരുകയും ചെയ്തു. എന്നാൽ ഈ ബില്ലിൽ ക്ഭ, ക്ഡ എന്നീ രണ്ടു വകുപ്പുകൾ കൂടി പുതുതായി ചേർത്തിട്ടുണ്ടു്. ഈ സംഖ്യ ഫോർമാന്മാർ എടുക്കുന്നുവെന്നുള്ളതു് ശരിയാണു്. എന്നാൽ ഫോർമാന്മാരിൽ തന്നെ ഫോർമാന്മാരുണ്ടു്. കുറിയിലെ പണം ദുർവിനിയോഗിച്ചിട്ടുള്ളവരുണ്ടായിരിക്കാം. അതു ശരിയായ വിധത്തിൽ ഉപയോഗിച്ചിട്ടുള്ളവരും ഉണ്ടാകും. ആ പണം ശരിയായി ഉപയോഗിച്ചിട്ടുള്ളവർ ഇന്നിന്നവരാണെന്നും, അല്ലാത്ത നിലയിൽ ഉപയോഗിച്ചിട്ടുള്ളവർ ഇന്നിന്നവരാണെന്നും ഉള്ളതിന്റെ ഒരു കണക്കെടുത്തു നോക്കിയാൽ മനസ്സിലാക്കാൻ സാധിക്കുന്നതാണു്. ഫോർമാൻ എടുത്തിട്ടുള്ള നറുക്കുകൾക്കു മേലാലുള്ള സംഖ്യക്കു് ഈടു കൊടുക്കണമെന്നാണു് പറയുന്നതു്. അതു ശരിതന്നെ. ഇതിൽ രണ്ടു കൂട്ടരുടെ മുമതലയാണു് ഫോർമാനുള്ളതു്. ക്ഫ. അൺപെയ്ഡു് സബ്സ്ക്രൈബർ, ക്ഡ. ഡിഫാൾടിംഗ് സബ്സ്

*Speech not corrected by the hon'ble member.

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ക്രൈബർ. അവക്കു വേണ്ടത്തക്ക ഈട്ടം ഉണ്ടായിരിക്കും. ബഹുമാനപ്പെട്ട മന്ത്രി പറഞ്ഞതുപോലെ ചില സ്ഥാപനങ്ങൾ ഉണ്ട്. എന്റെ അറിവിൽ തൃശ്ശിവപേരൂരിലുള്ള സ്ഥാപനങ്ങളാണ് കൂടുതൽ പെരുമാറുവാനിടയായിട്ടുള്ളതു്. എന്നെ ഒരു ഫോർമാനായിട്ടാണ് ഇവിടെ എല്ലാവരും കണക്കാക്കിയിരിക്കുന്നതു്. എന്നാൽ ഒരു ഫോർമാന്റെ നിലയിൽ ഞാൻ യാതൊരു കുറിയും നടത്തുന്നില്ല. ഞാൻ കുറിയിൽ ചേന്നിട്ടുണ്ട്. സംഖ്യ കൊടുത്തുവരുന്നുമുണ്ട്. ബാങ്കുകളുടെ ഡയറക്ടരുടെ സ്ഥാനമെ എനിക്കുള്ളു. അങ്ങിനേയുള്ള ബാങ്കുകൾക്കു് ദോഷം നേരിടുകയാണെങ്കിൽ എന്റെ ഷെയർ മണിക്കും ദോഷംവരും. കുറിക്കു ദോഷം വന്നു് സ്വന്തം പണം പോകുന്നതിൽ കൂടുതൽ ദോഷം വരികയില്ല ഡിവിഡൻറു പോകയാണെങ്കിൽ. ആ വക സ്ഥാപനങ്ങളെ ഉദ്ദേശിച്ചും അതിന്റെ അഭിവൃദ്ധിക്കും വേണ്ടിയാണു് ഞാൻ പറയുന്നതു്. അല്ലാതെ എന്റെ സ്വന്തനിലയിലല്ല. ഫോർമാൻ എന്നുള്ള ഒരു വ്യക്തിയുടെ നിലയാണു് എനിക്കുള്ളതെങ്കിൽ ഞാൻ പറയുന്നതിൽ ൫൦ ശതമാനം തള്ളുന്നതുകൊണ്ടു് എനിക്കു വിരോധമില്ലാത്തതാണു്. കുറിക്കമ്മിറ്റി ഒരു കൊല്ലത്തെ കണക്കാണു് എടുത്തിരിക്കുന്നതു്. ആവറേജു് ആയിട്ടു് പിരിവു് മൂന്നിലൊന്നുള്ളതായിട്ടാണു് ആ കണക്കുകൊണ്ടു് കാണുന്നതു്. ഇതു് ഏതുനിലയിൽ എടുത്തിട്ടുള്ള ഫിഗറാണെന്നു് പറയുവാൻ സാധിക്കയില്ല. എങ്കിലും ഒരു കൊല്ലത്തെ കണക്കെടുക്കുമ്പോൾ വലിയ തെറ്റു വരുവാൻ തരമില്ല. മൂന്നിലൊന്നു പിരിയുന്നതു കഴിച്ചു് ബാക്കിയുള്ള മൂന്നിൽ രണ്ടു് ഫോർമാൻ ഏതു വിധത്തിലെങ്കിലും ഉണ്ടാക്കണം. ഈ സ്റ്റേജിലുള്ള കുറിയാണു് അധികവും. ൧൫൧ നുക്കുള്ള ഒരു കുറിയിൽ തൊണ്ണൂറൊ, അമ്പതൊ, നാല്പതൊ, ഇരുപതോ കഴിച്ചിട്ടായിരിക്കും നറുക്കെടുക്കുന്നതു്. കുറി റഗുലേഷനിലെ വ്യവസ്ഥയനുസരിച്ചു് കുറി കിട്ടിയ ആളുടെ അടുക്കൽനിന്നു വാങ്ങിട്ടുള്ള സെക്യൂരിറ്റി ബോണ്ടു് തന്നെ കുറിക്കു് ഇടാണം. ൯൦ നറുക്കു കഴിഞ്ഞാൽ ബാക്കിയുള്ളതിനു മാത്രമേ ഈട കൊടുക്കുവാനുണ്ടാകയുള്ളു. ഈ ൯൦ തവണക്കു് കുറി സംഖ്യ വെച്ചിട്ടുള്ളവർ തന്നെ കുറി കിട്ടിയാൽ വെക്കാത്തവരായി അനവധിയുണ്ടാകും. ഇങ്ങിനെയുള്ള കുറികളുടെ കണക്കെടുത്തുനോക്കിയാൽ തീച്ചയായും എത്ര സംഖ്യ മേലാൽ കിട്ടുവാനുണ്ടാകുമോ അതിന്റെ മൂന്നൊ നാലൊ ഇരട്ടി പിരിച്ചിട്ടുണ്ടാകുമെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്. ഞാൻ ഇപ്പോഴും പറയുന്നതു് ഫോർമാനും ഫോർമാനും തമ്മിൽ വ്യത്യാസമുണ്ടെന്നാണു്. കുറിസംഖ്യയെടുത്തു് ദുർവിനിയോഗം ചെയ്തിട്ടുള്ള ഫോർമാന്മാരെ ഇങ്ങിനെയുള്ള കണക്കിൽ പെടുത്തുവാൻ പാടില്ല. എനിക്കു് ഗവമ്മേണ്ടിനോടപേക്ഷിക്കുവാനുള്ളതു് ഈ സ്ഥാപനങ്ങൾക്കു് എത്ര തവണ സംഖ്യ കൊടുത്തിട്ടുണ്ടു്; ഇനി എത്ര സംഖ്യ കിട്ടുവാനുണ്ടു്; കുറി കിട്ടിയവരിൽ എത്രപേർക്കു് സംഖ്യ കൊടുത്തിട്ടുണ്ടു്; ഇനി എത്ര പേർക്കു സംഖ്യ കൊടുക്കുവാനുണ്ടു് എന്നുള്ളതിനു് ശരിയായ ഒരു കണക്കെടുത്തു് എൻകൈറി നടത്തണമെന്നാണു്. അതിലേക്കു് സുപ്രഡണ്ടു് ആഫ് റജിസ്ട്രേഷൻ ഒരു ഫീസു് നിശ്ചയിച്ചു് എൻകൈറി നടത്തണം. അങ്ങിനെ ഒരു കണക്കെടുത്തു് മേലാൽ കൊടുത്തു തീർക്കുന്നതിനു് കൂടുതൽ സംഖ്യയില്ലെങ്കിൽ അതിനു തീച്ചയായിട്ടും സെക്യൂരിറ്റി വേണ്ടതാണെന്നാണു് ഞാൻ പറയുന്നതു്. ആ കാര്യത്തിൽ ഗവമ്മേണ്ടിന്റെ ദയാദൃഷ്ടി വേണം. അതു് ഒരു എളുപ്പമായ വഴിയാണു്. ഈ വകുപ്പു കൊണ്ടുവന്നിട്ടുള്ളതു് ചിറ്റാളന്മാരുടെ ഉരുപ്പിക പോകാതിരിക്കുവാനായിട്ടാണു്. തലയാളൻ എത്ര സംഖ്യ ഇറക്കീട്ടുണ്ടു്, അതിൽ ഇരട്ടി സംഖ്യ ഉണ്ടോ എന്നു നോക്കുക; അങ്ങിനെ ഇരട്ടി സംഖ്യയുണ്ടെങ്കിൽ ഈ സെക്ഷൻ ൨൨-ൽ മൂന്നാമത്തെ വകുപ്പിന്റെ ആവശ്യമില്ല. ഇതേ മാതിരിതന്നെയാണു് കച്ചവടത്തിന്റെയും. ബാക്കി

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ന്റെയും കാര്യം. എത്ര പണമുള്ള ബാങ്കായാൽതന്നെയും റൺ വന്നാൽ നില നില്ക്കുവാൻ പ്രയാസമാണു്. അഞ്ചു കുറികളുണ്ടെങ്കിൽ അതിലെ സെക്യൂറിട്ടി ബോണ്ട്സു് മുഴുവനും ആ കുറിക്കു് ഈടാണു്. പുതുതായിട്ടു് ഒരു സെക്യൂരിട്ടി ബോണ്ടു് ഉണ്ടാക്കണമെങ്കിൽ ആ ബോണ്ടുകൾ ഈടുകൊടുക്കുവാനേ സാധിക്കയുള്ളു. രൂ ൦, ൦ ൦ ൦ ഉറുപ്പിക മുതലുള്ള ഒരു കുറിയിൽ ൬ ഫ, ൦ ൦ ൦ ഉറുപ്പികക്കു് വേറെ ഒരു ഈടു കൊടുക്കണമെന്നാണു് പറയുന്നതു്.

Mr. President: What is it that constitutes the security? Is it the *Kaipada* on which money was lent to the other subscribers?

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: Yes. കൈപ്പട ഒന്നു വേറെ, സെക്യൂരിട്ടി ഒന്നു വേറെ ഇങ്ങിനെ രണ്ടിനമാണു്. രണ്ടോ മൂന്നോ ഇരട്ടി മുതലുള്ളപ്പോൾ അങ്ങിനെയുള്ള ആളുകളുടെ കാര്യത്തിൽ ഈ നിയമം നിബ്ബന്ധമാക്കുന്നതെന്തിനാണു്? തലയാളന്റെയല്ല, മറ്റുള്ളവരുടെ കാര്യം നോക്കിയാൽ മതിയെന്നാണു് പറയുന്നതു്. അതിനുംകൂടി ഈ നിയമസഭ പങ്കു നില്ക്കണോ എന്നാണു് ഞാൻ ചോദിക്കുന്നതു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: മേലാൽ തുടങ്ങുന്ന കുറികൾക്കും വേണ്ടേ ഈ പ്രൊവിഷൻസൊന്നും ?

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: ഇതു് റിട്ട്റാസ്സെക്ടീവു് ഇഫക്ടിനെ സംബന്ധിച്ചുള്ള വകുപ്പാണു്.

മിസ്റ്റർ എ. ഈച്ചരമേനോൻ: പണം കിട്ടീട്ടുള്ളതു് കണക്കിൽ കണ്ടാൽ മതിയോ ?

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: സംഖ്യ കൊടുക്കേണ്ടതു രണ്ടു കൂട്ടർക്കാണു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: ഞാൻ കഴിഞ്ഞ നവുക്കുകളെ സംബന്ധിച്ചല്ല ചോദിക്കുന്നതു്. ഇനി നടത്തുന്ന കുറികളെ സംബന്ധിച്ചു് ഈ പ്രൊവിഷൻസു് വേണമെന്നു സമ്മതിക്കുന്നില്ലേ ?

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: ഈ വകുപ്പു് ൯ എന്നുള്ളതു് ഇതിനുമുമ്പു് അടച്ചതു കഴിഞ്ഞിട്ടു മേലാൽ എത്ര സംഖ്യ വെക്കുവാനുണ്ടെന്നുള്ളതിനാണു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: നിങ്ങളുടെ സംസാരത്തിൽ മേലാൽ കുറികളൊന്നും നടക്കുകയില്ലെന്നു പറഞ്ഞു; ഈ പ്രൊവിഷൻസേ പാടില്ലെന്നാണൊ പറയുന്നതു്?

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: ഇപ്പോഴുള്ള സ്ഥാപനങ്ങൾ പോയിട്ടു് പുതിയ സ്ഥാപനങ്ങൾ ഉണ്ടാകുമെന്നാണു് പറഞ്ഞതു്. ഈ വകുപ്പു് അവരെ ബാധിക്കുകയില്ല. ഇപ്പോൾ കുറി നടത്തുന്ന സ്ഥാപനങ്ങൾ വീണുപോയിട്ടു് പുതിയ സ്ഥാപനങ്ങൾ വരും. ഇതു് റിട്ട്റാസ്സെക്ടീവു് ഇഫക്ടിന്റെ സെക്ഷനാണെന്നു് ഞാൻ ഇവിടെ പറയേണ്ട ആവശ്യമില്ല. എറണാകുളം ബാർ അസോസിയേഷൻ പറയുന്നു, ഇതിലെ സെക്ഷൻ ൨൪ (൨) ഒമിറു ചെയ്യണമെന്നു്. ചിറ്റാളന്മാരുടെയും ഫോർമാന്മാരുടേയും കാര്യത്തിൽ യാതൊരു പ്രത്യേകതയും ഇല്ലാത്ത അവർക്കുടി പറയുന്നു "that may be omitted" എന്നു. They are expert body of legal opinion എന്നു് റിട്ട്റാസ്സെക്ടീവു് ഇഫെക്ടു് കൊടുക്കുന്ന കാര്യത്തിൽ ൧൯൦൭-ൽ ആനുകൂല്യമുണ്ടായി. അതുകൊണ്ടു് ആ വകുപ്പുകളേക്കാൾ ഇതാണു നല്ലതെന്നു പറഞ്ഞാൽ എനിക്കതിനോടു യോജിക്കുവാൻ തരമില്ല. ദയവായി

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ഗവമ്മെണ്ടു് ഇതിനെ പരിശോധിച്ചു് മൂന്നാമത്തെ റീഡിംഗിൽ ഇതിനു് അനുയോജ്യമായ ഒരു അമെൻഡുമെൻറു കൊണ്ടുവരുകയൊ അതല്ലാത്തപക്ഷം ഏതു തരത്തിലാണു് ചെയ്യുന്നതെന്നു പറയുകയൊ ചെയ്താൽ കൊള്ളാം.

Mr. President: I think I may just say a few words so as to make the position not merely as regards the section clear but also as regards the intention of Government in applying this section. Mr. T. K. Nayar said that Government have not made out any case supported by statistics, that a frightful state of affairs exists so as to justify an enactment of this kind. I would ask hon'ble members to realise that in a legislation of this kind it is not necessary for Government to make out whether the existing state of affairs is frightful or not. The kuri institution is a most responsible institution, a semi-banking institution, a banking institution conducted on mutual co-operative lines. The tendency of all modern legislation in every country in Europe is to impose as stringent a condition as possible on the money handled by the banks, because the banker is really handling other people's money. As a matter of fact, the function of a banker in the modern world can be realised by the humorous definition that was given before the Banking Enquiry Committee of which I was a member. It was said a banker is opposed to a money-lender. After all, what is banking? It is lending money. Then somebody asked why should this dignified name be assigned to him? What is the difference between a banker and a money-lender? A humorous person said in answer: "The money-lender lends his own money, but the banker lends other people's money also." The status of a bank in modern days is judged by the extent of the money of other people which it handles. You take, for example, such a bank like the Imperial Bank of India. You will find that, while their own money consists of Rs. 5 crores and odd paid up capital and Rs. 5 crores and odd reserve fund, the deposits that they have got come to Rs. 90 crores. In other words their own money is 10 crores of rupees and other people's money is Rs. 90 crores. It is because banks and bankers in modern days deal with other people's money on such an extensive scale that all modern legislatures think it necessary to impose stringent restrictions on the operations of banks. Now, if the kuri institution is recognised as a banking institution, then the need for many of these provisions would be realised. The only point is to what extent the retrospective character of this legislation could be justified? Here, again, in legislations of this kind, unless retrospective effect is given, the legislation will practically be a dead letter. Recently the Central Legislative Assembly at Delhi passed a very comprehensive Indian Companies Act and an Indian Insurance Act. It amended the old legislation in a very, very radical manner. In passing those two

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Bills the Government of India did not attempt to make out a case that a frightful state of affairs existed in the case of all the existing companies, banking companies as well as insurance companies. It was thought that the old Indian Companies Act and the old Insurance Act were not suitable to modern conditions. Similarly, the Cochin Government thought that the old Kuries Act of 1107 is not suitable to the modern conditions, and, therefore, I think Government were fully justified in launching upon a legislation of this kind without establishing a case that a frightful state of affairs existed in the administration of kuries. In fact, the Cochin Government went further than the Government of India. Even though they were convinced that the existing Kuries Act is very defective in many particulars, they did not straight-a-way proceed to frame a Bill. A Committee was appointed consisting of 7 members of whom 5 were non-officials. The whole subject of kuri was very exhaustively enquired into by this Committee. On this Committee were representatives of bankers, foremen and subscribers. And it is mainly on the recommendations of that Committee that this piece of legislation is based.

Now let us find out whether giving retrospective effect to sub-section (3) of section 22 which is now under discussion will be a very harsh step. I would again draw a parallel from the Indian Companies Act. Under the new Indian Companies Act every bank is called upon to invest all its funds in certain approved securities, and retrospective effect is given to that provision. If all the banks that were registered before 1939 were exempted, then, as I said, the Indian Companies Act will be a dead letter. Suppose it is argued that all the banks that operated before 1939 were really acting under the old Act which permitted them to deal with the reserve funds as they like. Now, taking advantage of that position, a bank which has got Rs. 5 lakhs by way of reserve fund has frittered or swindled it away. Therefore, if you call upon that bank now to furnish security of Rs. 5 lakhs, will not that bank collapse, and Mr. Nayar will argue that, in the interests of the shareholders and depositors, don't give retrospective effect to that provision. That is not the view that was taken by the public in British India in dealing with the legislation there. It was thought that whatever might be the case when the bank was started, the bank must deposit its reserve funds in certain approved securities. To take away the harshness of that provision and to prevent any chaos that might certainly result in an abrupt application of a section of that kind, suitable safeguards were contained in the section itself. Two years' time was given for the banks really to find securities equivalent to the amount involved. Similarly we have stated here that we won't

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call these foremen straight-a-way to furnish security, but we will give them 6 months' time. Not only that, we have gone further and stated that the time may be extended, if Government are satisfied that in any particular case that becomes necessary.

That is the answer to Mr. Ayyappan. If Government are satisfied that in a particular kuri, even though the foreman is not in a position straight-a-way to give approved securities of the kind contemplated in the section, yet nevertheless the foreman is in a solvent condition, why do you assume that Government will not exercise the powers vested in them under sub-section (3) and extend the time? As a matter of fact, that was done even in the case of the Companies Act. We gave two years' time to the banks to find securities for their reserve fund. In that section of the Companies Act there is not even a discretion to Government to extend the time. That section was to come into operation yesterday, *i.e.*, 1st April, 1941. Just one month prior to that a deputation of bankers waited upon me. They convinced me that one more year ought to be given, and we went to the extent of issuing a Maharaja's Act amending that section and giving one more year's time. When that is the solicitude that Government have shown to preserve our credit institutions, what, I ask, is the justification to imagine that Government will not exercise the power to extend the time which is deliberately given in the Act itself? If there is one body more than any other which is interested in maintaining the stability of banking and credit institutions, it is Government. It is ridiculous for any person to suggest that the Government of a country will do something which will be tantamount to a run on the banks and the closing down of banks and the creation of financial chaos. If such a thing occurred, the first body that would be affected would be the Government itself. Collection of taxes would be postponed. Payment of dues to Government would be in arrears. There will be unemployment. There will be economic distress. And Government will be called upon to find funds to relieve these things. As a matter of fact, even when the Agriculturists' Relief Act was under contemplation, what was the attitude of Government? It was not an unsympathetic attitude towards the tenants or towards the debtors, but the anxiety on the part of Government was to see that there is no breakdown in the credit machinery of the State leading to a financial crisis. Therefore, to go on the assumption that of all people Government will force the issue and bring into liquidation the foremen and banks and thereby cause financial panic is certainly not a justifiable apprehension, at any rate, in the conduct of very well administered Governments like the Cochin Government.

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Now, let us go into the merits of the question in greater detail. In considering the question that the foremen who have drawn the prize money should be called upon to furnish security for the future liability, hon'ble members have always been speaking of "*cheenthi-pokku*", *i.e.*, one of the defaulted tickets. But there are other tickets also besides the *cheenthipokku* which the foremen in Trichur have taken, and about which there is a finding in the report of the Kuri Committee. Dealing with the second issue, this is what the committee says:

> "There are many kuries where foremen subscribe for extra tickets besides the *kainarak*, but for which no security is furnished, though the foreman gets facility to utilise for his own advantage large sums of kuri money. Monthly kuries most commonly prevalent in Trichur are, in many cases, valued at Rs. 5,550 terminable after the lapse of 111 months. By the terms of the *vaimpu*, the foreman is generally to get the prize for his extra tickets at the 6th and 12th instalments without any drawing. Thus, including the prize amount of Rs. 5,000 for the *kai narak* he is allowed to appropriate a sum Rs. 15,000 without any security for the due payment of the future instalments. We think this is unsatisfactory and should not be allowed to continue".

What has the House to say to that? So much of sympathy need not be wasted on the foreman. We are asking him to furnish security not for obligations which he was forced to assume on account of the default of certain subscribers, but due to his own fault. Here is a regular practice of kuries in Trichur by which the foreman have taken not merely the *kai narak* but the 6th and 12th *naraks* also without the need for a drawing. A man conducting a Rs. 5,000 kuri has drawn Rs. 15,000 without furnishing security. Should he not in reason be asked, at a time when a security legislation of this kind is being contemplated, whatever might have been the defaults on the part of subscribers, to furnish security at least for the future obligations that he has undertaken?

മിസ്റ്റർ എം. നാണുമേനോൻ: അങ്ങിനെ ചെയ്യാതെകണ്ടിരിക്കുവാൻവേണ്ടി ഒരു നിയമം കൊണ്ടുവരുന്നതിനാണ് ഭേദഗതം എന്നിവിടെ പറഞ്ഞതു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: ആരു പറഞ്ഞു?

Mr. President: It might be asked what would happen if this foreman is not in a position to furnish security. I am prepared to face that question in all its implications and accept the logical implications of that examination of the position. Now we take it that the foreman of a kuri is a solvent person and not a bankrupt. If he has taken this Rs. 15,000, what has he done with the money? It is suggested that he might probably have utilised the money in giving advances to the other subscribers to enable them to give their subscriptions. In such a case, I do not think the foremen are so philanthropic as to advance money without security. In all such cases I am told there would be the security of the *kaipadas*, and if

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the foremen have utilised Rs. 10,000 in giving advances to the other subscribers on the security of the *kaipadas*, we simply say, give the *kaipadas* as security. Advances on kuri *kaipada*, provided it is not encumbered, is certainly an approved security for the purposes of this Act. Therefore such a foreman will not find it difficult to find money. If the foreman has not utilised the money in such matters, then we take it that even though he might have spent it for his own purpose, he at least has got assets which will enable him to discharge the obligations when the time comes. If really a foreman, whether he be a bank or a private individual, has got other assets, then what he has simply to do is to furnish those assets as security. But assume a case in which a foreman has got no assets. He has taken 15 thousand rupees and he has no assets at all. In other words he is today in a bankrupt condition. In that case I would rather have that kuri wound up today than allow him to collect more money from other subscribers and jeopardise the future payments of the subscribers. In applying a provision of this kind, Mr. T. K. Nayar rightly said that he is not so much concerned with the safety of the foreman, but is concerned with the safety of the subscribers. Suppose a foreman is unable to furnish security and the kuri just collapses. Alright. Would the subscriber be in a less dangerous position than he would be otherwise? In other words, if that state of affairs is allowed to continue, the subscribers will again be advancing money for the remaining five or six years in the hope that the foreman may probably be earning money during that time or that his sons or daughters contemplated by Mr. Salem will be earning money for future payments. On possibilities of this kind they have to go on paying him the subscriptions. Now, I think that is a very unsatisfactory position. If, for example, today it is found out that a bank is in a bankrupt position, that all its advances are unsound and irrecoverable, that it has no material assets to enable it to pay its depositors, would you rather have that bank brought into liquidation or would you allow that bank to run and take more and more deposits in the years to come in the hope that, like Mr. Micawber, something would turn up later on. That is a very unsatisfactory state of affairs from the point of view of the public. Therefore, it is taken for granted that the House has no sympathy for that kind of foreman. If it is really found by the Superintendent of Registration that a foreman is bankrupt, then, in the interests of the public and in the interest of the subscribers, it is far better to wind up that kuri than allow the foreman to continue the kuri any further. Then with regard to the details of investments of foremen and the way in which they utilise their money, Mr. Ayyappan wanted some statistics

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We have made provision for that. It is for that purpose that it is left to the discretion of Government to extend the time. As a matter of fact, in applying this particular section the Superintendent of Registration will give notice to these foremen in virtue of the provisions in sub-clause (3) of section 22 calling upon them to furnish security within 6 months. Then it is for the foreman to put in petitions before the Superintendent of Registration explaining their position and pointing out that they are perfectly solvent and that they would require more time, say, 1½ years. Why do you suppose that Government will not deal with such petitions sympathetically? Therefore, for the really honest and solvent foremen ample provisions have been made. For the insolvent foreman it is better that kuries are wound up. So far as the general principle of retrospective operation is concerned, I have explained that there is no injustice. For all these reasons, I do not think that this section is so much frightful or there is so much of *bhayamkaram* in it *(laughter)*.

Mr. C. R. Iyyunni *(Trichur-South):* I may be permitted to speak one or two words. If the various security bonds taken by the foreman from the various prized subscribers can be taken as security, we have not the slightest objection.

Mr. President : Mr. Iyyunni also agrees that this section can be applied and ought to be applied against insolvent foremen.

Mr. C. R. Iyyunni *(Trichur-South):* Certainly.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Sir, in view of the elucidation we had in the House and in view of the fact that the final discretion rests with Government either to grant time or not to grant time for furnishing security, I think I shall be justified in withdrawing my amendment

Amendment by leave withdrawn

Clause 22 as amended put and carried

Clause 23

Mr. V. N. Damodaran Nambiar *(Trippunittura) :* Sir, I rise to move my following amendment.—

In clause 23, after the figures "1114" and before the word "be" add the following.—

"in the case of kuries started after the coming into force of this Act."

Mr. M. Sivarama Menon *(Advocate-General):* Sir, the next amendment of Mr. Moothedan appears to be wider in scope than

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the other amendments. Mr. Moothedan by his amendment wants to reduce the rate of interest to 9 per cent.

Mr. V. N. Damodaran Nambiar *(Trippunittura)* : My amendment wants to reduce the interest to 6 per cent and only in future should 12 per cent be levied. By this Amendment Act the relief granted under the Agriculturists' Relief Act is taken away. Under the Agriculturists' Relief Act only 6 per cent has to be paid by agriculturists. After one year of the passing of the Act, the Kuries Act comes in and says that they should pay 12 per cent. That is an inconsistency. I only want to see that the 12 per cent mentioned here should be made applicable only in the case of kuries started after the coming into force of this Act.

Mr. President : Any way I do not think it is the intention of the House to take away any advantage given to the agriculturists by the Agriculturists' Relief Act.

Mr. M. Sivarama Menon *(Advocate-General)* : It is left to the option of the foreman to collect interest not exceeding 12 per cent. They may collect even less.

Mr. President : The Agriculturists' Relief Act should not be tampered with.

Mr. M. Sivarama Menon *(Advocate-General)* : If that is the decision, I shall move the necessary amendments.

Mr. V. N. Damodaran Nambiar *(Trippunittura)* : There is another point also. Several debts would have been scaled down, and now if this clause is allowed to remain as it is, those debts will have to be scaled up again.

*__Mr. P. Govinda Menon__ *(Mulakunnathukavu)* : There is another more comprehensive clause, viz., clause 63 which has to be removed. Clause 63 reads: "Notwithstanding any other law for the time being in force governing the rate of interest and subject to the provisions of this Act, the Court may award till date of decree interest on claims for grain arising under this Act at a rate not exceeding 20 per cent per annum and on claims for money at a rate not exceeding 12 per cent per annum." There is an amendment in the name of Mr. Nambiar to omit clause 63. I think the House will be in a mood to accept that amendment. If that is done the present clause 23 can be amended by retaining the old section 23 of the Kuries Act of 1107. All these troubles will then vanish.

Mr. President : Suppose you retain the present clause and add another clause as a double safeguard somewhere, saying that

* Speech not corrected by the hon'ble member.

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nothing in this Act shall modify or affect the provisions of the Agriculturists' Relief Act. Will not that be sufficient?

Mr. P. Govinda Menon *(Mulakunnathukavu):* That will lead to conflict because in clause 23 itself the Agriculturists' Relief Act has been specifically mentioned:—

Sir, I may be permitted to make a formal motion, that the second sentence of clause 23 may be omitted and in its place be added the sentence in section 23 of the old Act.

Mr. M. Sivarama Menon *(Advocate-General):* There is no necessity for making a motion now. If you are agreed on the principle that the Agriculturists' Relief Act should apply then, I shall move appropriate amendments at the third reading rather than proceed in haste on this matter.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Sir, I may be allowed to move the following amendment:—

"In clause 23 omit the proviso."

The proviso reads thus.—"Provided that in the case of monthly Kuries, in respect of the first default alone, a *labham* not exceeding one per cent of the subscription due for one instalment may be collected besides the interest specified above." If this amendment is adopted, the subscriber will be liable to pay only the subscription plus the interest allowed by law, and the starters will not be entitled to get any *labham.*

Mr. M. Sivarama Menon *(Advocate-General):* This *labham* is only for one instalment. It was the view of the Select Committee to allow this small concession to the foreman. It will also serve as an incentive to pay subscriptions regularly. We did not think that it is such an unreasonable demand on the part of the foremen to be negatived.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* It is not a very insignificant amount.

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: സർ, ഇതേവരെ വന്നിട്ടുള്ള സകല വകുപ്പുകളും നോക്കിയാൽ സബ്ജക്ടുമായിട്ടുള്ളവയാണെന്നു കാണാം. ഇതു് ഡിഫാൾട്ടു കമിറ്റു ചെയ്താൽ ഏതെങ്കിലും ഒരു ശതമാനം ഇൻട്രസ്റ്റു് കൊടുക്കണമെന്നാണു് പറയുന്നതു്. അതു് അയാൾക്കു കൊടുക്കുവാൻ മനഃസ്ഥിതിയുണ്ടാക്കുവാനുള്ള ഒരു വഴിയാണു്. അതുകൂടി കൊടുത്തുകഴിഞ്ഞാൽ വേറെ ദീക്കിൽ കടം വാങ്ങി കുറിക്കു കൊടുക്കേണ്ട ആവശ്യമില്ല. പലതുള്ളി പെരുവെള്ളം എന്നു പറയുന്നതുപോലെയാണിതു്. ബാങ്കിംഗു് ബിസിനസ്സിൽ കാലണ, അരയണ വീതം കണക്കാക്കുമ്പോൾ അതു് അവസാനം അഞ്ചും പത്തും അതിലധികവും ഉറപ്പികയാകും. അതാണു് ഇതിൽ വലിയ ബുദ്ധിമുട്ടു്. മാത്രമല്ല അതില്ലെങ്കിൽ സംഖ്യ വെക്കുവാനുള്ള ആഗ്രഹവും ഉണ്ടാകയില്ല. ഈടുതന്നു് പണം കൊണ്ടുപോയിട്ടുള്ള ആളുകളുടെ കാര്യമാണു് പറയുന്നതു്.

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Mr. M. Sivarama Menon *(Advocate-General)* : This provision relates only to the prized subscribers who have taken away money, and, therefore, a small fine is imposed for inducing them to pay regularly. If the rate of interest for defaulted instalments is only 6 per cent, the subscriber will not care to pay the subscriptions as he will have to pay only that rate of interest even if he were to borrow from others.

Mr. P. Govinda Menon *(Mulakunnathukavu)* : In the case of a defaulter prized subscriber, the foreman can realise the amount in a lump according to section 24, if he is not able to pay the defaulted amount. In many cases this will amount to a sum much more than what the subscriber has taken from the bank.

Mr. President : Because we are making the obligations of the foreman more stringent, it was thought that we must provide some sort of inducement which will make the subscriber pay in time.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: സർ, ഞങ്ങൾ ഈ സംഗതിയെപ്പറ്റി നല്ലവണ്ണം ആലോചിച്ചു. മുടക്കിയ കുറിക്കാരുടെ കയ്യിൽനിന്നു് അവർ ലാഭം ആപേവീതം കൊടുത്തിരുന്നതായി ഞങ്ങൾക്കു മനസ്സിലായിട്ടുണ്ടു്. മൂന്നു ശ്രപാവീതം അവർ പെനൽട്ടി കൊടുത്തിരുന്നു. യാതൊരു ലാഭവും കൊടുക്കേണമെന്ന വ്യവസ്ഥയില്ലെങ്കിൽ കുറികിട്ടി ഉറപ്പിക വാങ്ങിയവക്കു കുറി നടത്തുവാൻ ഉള്ള മനഃസ്ഥിതി ഉണ്ടായിരിക്കയില്ല. അതുകൊണ്ടാണു് ഈ നിസ്സാരമായ ലാഭം അതിനു വെക്കണമെന്നു ഞങ്ങൾ തീച്ചയാക്കിയതു്. ഈ സംഗതിയെപ്പറ്റി ഞങ്ങൾ വളരെ ഗാഢമായിട്ടു് ആലോചിച്ചാണു് അങ്ങിനെ ചെയ്തിട്ടുള്ളതു എന്നതു് പ്രത്യേകം പ്രസ്താവയോഗ്യമാണു്.

Mr. P. Govinda Menon *(Mulakunnathukavu)*: I don't press the amendment.

Amendment by leave withdrawn

Mr. M. Sivarama Menon *(Advocate-General)*: Sir, I beg to move that *in the Proviso to clause 23 the words "in respect of the first default alone" shall be deleted and the words "by the foreman for the first default" inserted between the words "collected" and "besides."*

This is only to improve the language.

Mr. P. V. Raphael *(Joint Secretary to Government)*: I second it.

Amendment put and carried

Mr. President : Now we will put to vote clause 23 subject to further amendments to safeguard the provisions of the Agriculturists' Relief Act. These amendments must all be printed and given in time for the third reading day after tomorrow.

Clause 23 as amended put and carried

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Clause 24

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that *In sub-clause (1) of clause 24 for the words "defaulted prized subscribers" the words "defaulter prized subscribers" may be substituted.* This is only a verbal amendment.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move the following amendment.—

"For sub-clause (2) of clause 24 substitute the following.—

(2) If a consolidated collection of all the future subscriptions from a prized subscriber is made by a foreman under the proviso to sub-section (1) of section 14 or sub-section (1) of this section, he shall deposit the same or the money value thereof in the Government Treasury prescribed for the purpose in the name of the Registrar or invest the same in approved securities and deposit the securities in the Government Treasury in the name of the Registrar as specified above and announce the fact of such deposit or investment to the subscribers at the next instalment and the same shall be entered in the minutes of the proceedings of that instalment. The amount deposited in Government Treasury under this sub-section shall bear interest at 1½ per cent per annum on the daily balances."

This clause has been redrafted. Formerly all remittances must be made to the Registrar who must in turn deposit them in the treasury. By the present amendment, the foremen are authorised to deposit the money or money value thereof direct in the treasury in the name of the Registrar.

Mr. President: Now in the banks also approved by Government.

Mr. M. Sivarama Menon *(Advocate-General):* That is a consequential amendment and will be made at the time of the third reading.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second the amendment.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, the next amendment stands in the name of Mr. A. L. Antony. Though he is absent, I would like to accept the amendment. The foreman may be able to deposit the cash beforehand and thus be able to sell the property free of any encumbrances. There is absolutely no objection to do it.

Mr. C. R. Iyyunni *(Trichur-South):* Since I have also tabled the same amendment, I may be permitted to move it now. The

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amendment reads thus: *In clause 24, sub-clause (4), delete the word "when" after the words "future subscriptions" and delete the word "is" between the words "property" and "converted" and substitute "may be".*

Add between the words "cash" and "the amount" the word "if" and delete the word "shall" between the words "subscriptions" and "be deposited".

Mr. P. K. Madhava Menon *(Narakkal):* I second it.

Amendment accepted

The House rose for the day at 5 p.m.

C. J. MATHEW
Secretary to the Council

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APPENDIX I

Resolutions passed by the Cochin State Tenants' Association

(Please see answer to question No. 310)

അരിയന്തൂർവെച്ചു കൂടിയ കൊച്ചി സംസ്ഥാനകൂടിയാൻ സംഘത്തിന്റെ കമ്മിറ്റിയോഗത്തിൽവെച്ചു് പാസ്സാക്കിയ പ്രമേയങ്ങൾ.—

൧. ൧൯൪൫-ലെ ൧ ൪-ാംനമ്പു് കൊച്ചി കുടിയായ്മനിയമം ൧-ാം അദ്ധ്യായം ൨-ാം വകുപ്പു് "ഇ" എന്ന ഉപവകുപ്പിൽ "മിച്ചവാരം" എന്ന വാക്കിന്റെ വ്യാഖ്യാനം ഭേദഗതി ചെയ്തുകൊണ്ടു് ഈ കഴിഞ്ഞ വൃശ്ചികം നിയമസഭായോഗത്തിൽ വലിയ ഭൂരിപക്ഷത്തോടുകൂടി പാസ്സാക്കപ്പെട്ട കൊച്ചി കുടിയായ്മ ഭേദഗതി ബിൽ തുക്കൈവിളയാടി നിയമമാക്കി തരണമെന്നു ഈ യോഗം മഹാരാജാവു തിരുമനസ്സിയോട്ടു അഭ്യർത്ഥിച്ചുകൊള്ളുന്നു.

൨. ഗ്രാമോദ്ധാരണകാര്യത്തിൽ സർവ്വപ്രധാനമായ സംഗതി ഈ നാട്ടിലെ കൃഷിപരിപോഷണമാകയാൽ കൃഷിക്കു ആവശ്യമായ ജലസേചനപദ്ധതി പൂർവ്വാധികം വർദ്ധിപ്പിക്കേണ്ടതാണെന്നും അതിലേക്കു ഗവർമ്മെണ്ടു കൊല്ലംതോറും മുള്ള ബഡ്ജറ്റിൽ വലിയൊരു തുക ചേർക്കേണ്ടതാണെന്നും ഈ സംഖ്യ അതാതു കൊല്ലംതന്നെ ചിലവഴിക്കുന്നതുക്കു പണികളും നടത്തേണ്ടതാണെന്നും അങ്ങിനെ ചിലവഴിക്കാതെ പണം ബാക്കിവന്നാൽ ജലസേചനത്തിനുള്ള ഒരു മൂലധനമായി ആ സംഖ്യ നിക്ഷേപിക്കേണ്ടതാണെന്നും ഈ യോഗം ഗവർമ്മെണ്ടിനെ ഉൽബോധിപ്പിച്ചുകൊള്ളുന്നു.

(Sd.)
General Secretary